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BEFORE THE
ILLINOIS COMMERCE COMMISSION

AMEREN TRANSMISSION COMPANY)
OF ILLINOIS)
) No. 12-0598
Petition for a Certificate of)
Public Convenience and Necessity,)
pursuant to Section 8-406.1 of)
Illinois Public Utilities Act,)
To Construct, Operate and Maintain)
A New High Voltage Electric)
Service Line and Related)
Facilities in the Counties of)
Adams, Brown, Cass, Champaign,)
Christian, Clark, Coles, Edgar,)
Fulton, Macon, Montgomery, Morgan,)
Moultrie, Pike, Sangamon, Schuyler,)
Scott and Shelby, Illinois.)

Springfield, Illinois
May 14, 2013

Met, pursuant to adjournment, at 9:00 a.m.

BEFORE:

MR. JOHN D. ALBERS and MR. STEPHEN YODER,
Administrative Law Judges

L.A. COURT REPORTERS, by Kari Wiedenhaupt, CSR,
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I N D E X

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E X H I B I T S

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Murbarger Cross

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STPL Cross

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1 JUDGE ALBERS: All right. By the authority
2 vested in me by the Illinois Commerce Commission, I
3 now call Docket No. 12-0598. This docket was
4 initiated by Ameren Transmission Company of Illinois,
5 and concerns a petition for a certificate of public
6 convenience and necessity pursuant to Section
7 8-406.1. As noted, any appearances should be
8 directed to the court reporter with the e-mail
9 provide earlier.

10 Other preliminary matters that I would
11 like to mention include if you are on the bridge
12 number being provided, please do not have any side
13 conversation and refrain from making any other noise.
14 We can hear it.

15 Again, a reminder to please identify
16 yourself for the court reporter, particularly those
17 on the bridge or in Chicago. I think we have most,
18 if not all, of the exhibit lists, but if anybody has
19 any more, please stop by and drop those off this
20 morning. And then as Mr. Fitzhenry alluded to
21 earlier, we have the Stop the Power Lines Coalition's
22 Motion For Leave to File Supplemental Direct

1 Testimony -- Direct Testimony Instanter as filed
2 yesterday afternoon. And Mr. Fitzhenry, you
3 requested leave to file a response by 10:00 a.m.
4 tomorrow?

5 MR. FITZHENRY: That's correct, your Honor.

6 JUDGE ALBERS: That's fine with us.

7 Mr. Gower, are you in the room?

8 MR. GOWER: No objection, your Honor.

9 JUDGE ALBERS: Do you want an opportunity to
10 reply to that, I imagine?

11 MR. GOWER: Yes. Although, I may waive it. I
12 will see what they say.

13 JUDGE ALBERS: All right. We will talk about
14 it tomorrow morning then.

15 MR. GOWER: Why don't you give me a day to
16 respond, and if I am going to waive, I will tell you
17 after I see that.

18 JUDGE ALBERS: Okay.

19 MR. GOWER: Okay.

20 MR. FITZHENRY: Your Honor, Mr. Fitzhenry
21 again. Mr. Baird, the witness for whom the
22 supplemental testimony that's intended to be offered,

1 is on the stand Friday, I believe, and depending on
2 your ruling, the company would like some notice about
3 whether that testimony will be subject to
4 cross-examination. We would need some time to
5 prepare. So we are hopeful for a ruling sometime
6 Thursday morning-ish.

7 JUDGE ALBERS: Absolutely.

8 MR. FITZHENRY: All right. Thank you.

9 JUDGE ALBERS: We don't want to drag that out.

10 MR. FITZHENRY: Thank you.

11 JUDGE ALBERS: Any other preliminary matters?

12 Anyone want to raise any of their own?

13 All right. I think since we have the phone bridge
14 right now, why don't we go ahead and take care of
15 Mr. Webb just to get him out of the way. I do
16 understand that there are those that would like to
17 offer their affidavits over the phone bridge as well
18 this morning. My questions for Mr. Webb shouldn't
19 take very long at all.

20 And why don't I go ahead and swear in
21 everybody who is planning to testify today, too. So,
22 Mr. Webb, that's you, and I also have Mr. Murbarger,

1 Rick Trelz, Rick Copeland, James Dwyer and Paul
2 Bergeschneider. So any of you in the room here,
3 please stand and raise your right hands.

4 (Whereupon, the witness was duly
5 sworn.)

6 JUDGE ALBERS: And were you included in that,
7 Mr. Webb?

8 THE WITNESS: Yes, I was.

9 JUDGE ALBERS: All right. Thank you, sir.

10 Ms. Bojko, if you would like to
11 introduce your witness.

12 MS. BOJKO: Thank you, your Honor, Kim Bojko,
13 on behalf of Midcontinent Independent System
14 Operator. We would like to introduce -- put on the
15 stand this morning Jeffrey R. Webb. And at this
16 time, I would like to mark Mr. Webb's direct
17 testimony filed in this case as revised on May 8th,
18 2013 as MISO Exhibit 1.0 Revised, and then also Mr.
19 Webb's rebuttal testimony as revised and filed on May
20 8th, 2013 as MISO Exhibit 2.0, and then there was an
21 Attachment A to Mr. Webb's original rebuttal
22 testimony that was filed on April 12th, 2013 that we

1 would like to have marked as MISO Exhibit 2.1.

2 May I approach, your Honor?

3 (Whereupon, MISO Exhibit Nos.
4 1.0 Revised, 2.0 Revised and
5 Attachment 2.1 were marked for
6 identification.)

7 JUDGE ALBERS: Yes.

8 MR. NIEMANN: Judge, this is Ted Niemann. May
9 I ask one question? I should have asked it earlier,
10 but I was under the impression we were going to hear
11 before the testimony some of the motions regarding
12 the stipulations -- and I am sorry if I am out of
13 order.

14 JUDGE ALBERS: No. I do plan on taking that up
15 this morning. I just wanted to make sure we took
16 care of Mr. Webb while we had the phone bridge.

17 MR. NIEMANN: Very good. Thank you.

18 JUDGE ALBERS: My questions won't take but a
19 few minutes.

20 MR. NIEMANN: Thank you very much.

21 JEFFREY R. WEBB,

22 having been first duly sworn, was examined and

1 testified as follows:

2 DIRECT EXAMINATION

3 BY MS. BOJKO:

4 Q. Mr. Webb, please state your name and
5 business address for the record.

6 A. My name is Jeffrey R. Webb. My business
7 address is 701 City Center Drive, Carmel, Indiana.

8 Q. And on whose behalf are you presenting
9 testimony today?

10 A. On behalf of the Midcontinent Independent
11 System Operator.

12 Q. And did you prepare or have prepared under
13 your direction written testimonies filed in this
14 case?

15 A. Yes, I did.

16 Q. And those were the same written testimonies
17 discussed and marked previously as MISO Exhibit 1.0
18 and Exhibit 2.0 with Attachment 2.1?

19 A. Yes.

20 Q. And to the best of your knowledge, were
21 those pieces of testimony revised and refiled on May
22 8th, 2013?

1 A. Yes.

2 Q. And do you have those testimonies before
3 you today?

4 A. I do.

5 Q. Do you have any additional corrections or
6 changes to those testimonies here today?

7 A. No, I do not.

8 Q. And if I were to ask you the same questions
9 posed in your testimonies, would the answers be the
10 same today?

11 A. Yes, they would.

12 Q. And are your responses true and accurate to
13 the best of your knowledge?

14 A. Yes, they are.

15 MS. BOJKO: Thank you. Your Honors, it's my
16 understanding that all parties have waived
17 cross-examination of Mr. Webb.

18 However, your Bench has questions, so
19 I will tender him to you.

20 EXAMINATION

21 BY JUDGE ALBERS:

22 Q. Thank you. Mr. Webb, part of my job is

1 anticipating what the Commission might want to ask.
2 And I simply would like to know that if the
3 Commission, for whatever reason, on any particular
4 segment wanted to hold off on granting the requested
5 relief for that particular segment, you know, what's
6 the worst thing that could happen? I mean, I
7 understand you had addressed some possible
8 contingencies that will result in reliability issues,
9 but, you know, as a practical matter, you know, how
10 much of a delay if the Commission wanted to could
11 this plan handle? And that -- and I'm sorry, one
12 more caveat, and that's also assuming that they would
13 agree that the project overall is appropriate, just
14 as far as routing goes.

15 A. Yes. I think MISO would have concerns if
16 any segment of the proposed route was not approved as
17 part of this docket to the extent that that would
18 introduce any significant delays in the project. For
19 example, if you -- the project extends across the
20 state, as you know, and connects incoming existing
21 and new transmission on the west end of Illinois and
22 connects to the similar facilities existing and

1 planned on the eastern end into Indiana.

2 If we were to not have a segment of
3 the entire route, there would be considerable
4 reliability issues at the point that you stopped the
5 line, of course, as the 5 to 6 -- or 600 to a
6 thousand megawatts of flow that we anticipate across
7 the line would then have to find low voltage local
8 area systems to -- and get to the load and across the
9 state, and so you can imagine that would cause
10 considerable reliability issues.

11 With respect to critical delays, we
12 know that there are certain points along the line
13 that have reliability issues that must be addressed
14 by 2016, and in addition, the entirety of the line
15 must be completed by 2018 so that we can have this
16 contiguous path and avoid the kinds of issues I just
17 described.

18 Q. Okay. You reference significant delay.
19 Can you define significant delay for me?

20 A. Well, I think delays, as I just stated,
21 that would preclude the ability to have the line
22 constructed within a relatively short period of time

1 to address the 2016 needs and then have the complete
2 line extended across the state by 2018. Those would
3 be the critical dates.

4 Q. And which areas have the 2016 needs, if you
5 will?

6 A. Specifically, the most urgent reliability
7 needs from a timing standpoint are in the Decatur
8 area and at the western end in the Palmyra area.

9 JUDGE ALBERS: Okay. Thank you, Mr. Webb. Do
10 you have any redirect?

11 MS. BOJKO: No, I don't think so.

12 JUDGE ALBERS: Okay. Thank you. Any objection
13 to the admission of MISO Exhibits 1.0 R, 2.0 R with
14 Attachment 2.1?

15 (No response.)

16 JUDGE ALBERS: Hearing none, those exhibits are
17 admitted.

18 (Whereupon, MISO Exhibit Nos.
19 1.0 Revised, 2.0 Revised and
20 Attachment 2.1 were admitted
21 into evidence.)

22 MS. BOJKO: Thank you, your Honor.

1 JUDGE ALBERS: Thank you. Mr. Webb, you are
2 free to carry on your day.

3 THE WITNESS: Thanks very much.

4 JUDGE ALBERS: As far as the stipulations go,
5 then, I guess, Mr. Balough -- was there anyone else
6 who wanted to offer -- I apologize. Why don't we
7 take care of Mr. Balough.

8 MR. BALOUGH: All right.

9 JUDGE ALBERS: Whenever you are ready.

10 MR. BALOUGH: Thank you. Richard Balough on
11 behalf of the City of Champaign and the Village of
12 Savoy. We would like to offer the following
13 exhibits: Champaign-Savoy Exhibit 1.0 C with
14 Attachments 1.01 and 1.02, which is the Direct
15 Testimony of Bruce A. Knight corrected. It was filed
16 on e-Docket on May 3rd, 2013, and Champaign-Savoy
17 Exhibit 1.03, which is the affidavit of Bruce Knight
18 filed on e-Docket on May 13th, 2013, Champaign-Savoy
19 Exhibit 2.0 C with Attachments 2.01 and 2.02, which
20 is the Direct Testimony of Mark Dixon, Corrected. It
21 was filed on e-Docket on May 3rd, 2013.
22 Champaign-Savoy Exhibit 2.03, the affidavit of Mark

1 Dixon filed on e-Docket on May 13th, 2013,
2 Champaign-Savoy Exhibit 3.0, the Direct Testimony of
3 William Smith filed on e-Docket on March 29th, 2013,
4 and finally Champaign-Savoy Exhibit 3.01, the
5 affidavit of William Smith filed on e-Docket on May
6 13th, 2013.

7 We would offer those exhibits, your
8 Honor.

9 JUDGE ALBERS: Thank you. Any objection to any
10 of those exhibits?

11 (No response.)

12 JUDGE ALBERS: Hearing none, they are admitted.

13 (Whereupon, Champaign-Savoy
14 Exhibit Nos. 1.0 C with
15 Attachments 1.01 and 1.02,
16 Exhibit 1.03, Exhibit 2.0 C with
17 Attachments 2.01 and 2.02,
18 Exhibit 2.03, Exhibit 3.0 and
19 Exhibit 3.01 were admitted into
20 evidence.)

21 JUDGE ALBERS: Anything further from Champaign
22 or Savoy?

1 MR. BALOUGH: Not today, your Honor. Thank
2 you.

3 JUDGE ALBERS: There was someone else in the
4 audience. You can go ahead, sir. Actually, could
5 you come to the microphone?

6 MR. PROBST: Dustin Probst, appearing on behalf
7 of Larry and Ginger Durbin. I would like to offer
8 the following exhibits: The Amended Affidavit of
9 Larry Durbin marked as Exhibit 1 Amended with
10 Attached Exhibits 1.1, 1.2, 1.3, and 1.4 previously
11 marked as A, B, C and D in the First Errata of the
12 Shelby County Landowners Group Direct Testimony filed
13 on April 19th; also the affidavit of Ginger Durbin
14 marked as Exhibit 2 with attached Exhibits 2.1, 2.2,
15 2.3 and 2.4 previously marked as A, B, C and D in the
16 direct testimony submitted on behalf of the Shelby
17 County Landowners Group previously filed on
18 March 25th, 2013; and the Affidavit of Joseph Woodall
19 marked as Exhibit 3 with attached Exhibits 3.1, 3.2,
20 3.3 and 3.4 previously marked as A, B, C and D in the
21 direct testimony submitted on behalf of the Shelby
22 County Landowners Group previously filed on

1 March 25th of 2013. And a list of exhibits will be
2 filed with the clerk before day's end.

3 JUDGE ALBERS: You didn't provide one earlier?

4 MR. PROBST: It was e-mailed to all parties of
5 record yesterday.

6 JUDGE ALBERS: Okay.

7 MR. PROBST: I do have a copy for your Honor,
8 if you would like.

9 JUDGE ALBERS: Just to try to distinguish them,
10 we will call them Shelby County Exhibit 1. That will
11 be Mr. Durbin's. Shelby County Exhibit 2 will be
12 Ginger Durbin's and Shelby County Exhibit 3 will be
13 Mr. Woodall's.

14 (Whereupon, Shelby County
15 Exhibits 1 Amended with 1.1-1.4,
16 Exhibit 2 with 2.1-2.4 and
17 Exhibit 3 with 3.1-3.4 were
18 marked for identification.)

19 JUDGE ALBERS: And was only Mr. Durbin's
20 amended?

21 MR. PROBST: Yes, your Honor.

22 JUDGE ALBERS: Any objection to any of the

1 identified exhibits?

2 (No response.)

3 JUDGE ALBERS: Hearing none, then Shelby County
4 Exhibit 1 Amended with 1.1 to 1.4, Shelby County
5 Exhibit 2 with 2.1 to 2.4 and Shelby County Exhibit 3
6 with 3.1 to 3.4 are admitted.

7 (Whereupon, Shelby County
8 Exhibits 1 Amended with 1.1-1.4,
9 Exhibit 2 with 2.1-2.4 and
10 Exhibit 3 with 3.1-3.4 were
11 admitted into evidence.)

12 MR. PROBST: Thank you.

13 JUDGE ALBERS: Is anyone else on the phone that
14 would like to offer their exhibits at this time?

15 MR. BRADY: Yes, your Honor.

16 JUDGE ALBERS: Is that you, Mr. Brady?

17 MR. BRADY: Yes, it is. Good morning, Sean
18 Brady with Wind on the Wires. Shall I go ahead now,
19 or are you still taking other parties?

20 JUDGE ALBERS: Go ahead.

21 MR. BRADY: Great. I would like -- on behalf
22 of Wind on the Wires, I would like to move into the

1 record via affidavit our direct and rebuttal
2 testimonies, our Direct Testimony of Michael Goggin,
3 identified as Exhibit 1 -- as Wind on the Wires
4 Exhibit 1.0 with Attachments identified as Wind on
5 the Wires Exhibits 1.1 through 1.10, which were filed
6 via e-Docket and served on the parties on March 29th,
7 2013.

8 We would also to like to move into the
9 record the Rebuttal Testimony of Michael Goggin,
10 which is identified as Wind on the Wires Exhibit 2.0
11 Corrected, and that was filed via e-Docket on
12 April 15th, 2013. And in support of both of those
13 documents this morning, we filed Wind -- an affidavit
14 of Michael Goggin, which is identified as Wind on the
15 Wires Exhibit 3.0. That affidavit was also served on
16 the parties this morning.

17 With that, we would like to move Wind
18 on the Wires Exhibits 1.0, 1.1 through 1.10,
19 Exhibit 2.0 Corrected and Exhibit 3.0 into the
20 record.

21 JUDGE ALBERS: Any objection?
22

1 (No response.)

2 JUDGE ALBERS: Hearing none, they are admitted.

3 (Whereupon, Wind on the Wires
4 Exhibit Nos. 1.0, 1.1 through
5 1.10, Exhibit 2.0 Corrected and
6 Exhibit 3.0 were admitted into
7 evidence.)

8 MR. BRADY: Thank you. Any others?

9 (No response.)

10 JUDGE ALBERS: Okay. All right. Now turning
11 to the stipulations then.

12 MR. STURTEVANT: Thank you, your Honor. My
13 thought was just to -- there is Stipulation Exhibits
14 1 through 7. They have all been subject to or filed
15 under a similar motion. My thought was just to move
16 them all into evidence as a group, unless you have a
17 preference to go through them one by one.

18 JUDGE ALBERS: Actually, it occurs to me that
19 weren't they all attached to Ms. Borkowski's
20 testimony as well?

21 MR. STURTEVANT: They -- that's correct. They
22 were, your Honor, and I don't believe there was any

1 objection to that. Some of these were filed prior to
2 Ms. Borkowski's testimony, which is why they were all
3 subject to the motions, but, yes. So I guess we are
4 potentially being --

5 JUDGE ALBERS: I know one or two parties had
6 objections to a couple of the motions. You have got
7 filings on those. Are there any other objections to
8 any of the motions concerning the stipulations?

9 MR. McNAMARA: Judge, I believe on April 12th
10 you ruled, and your ruling is that they are
11 subject -- the stipulations will not be adopted as
12 the route unless they are proved to be the best
13 route.

14 JUDGE ALBERS: Absolutely.

15 MR. McNAMARA: And that still stands?

16 JUDGE ALBERS: Absolutely, yes.

17 MR. McNAMARA: Thank you.

18 JUDGE ALBERS: It simply reflects an agreement
19 between ATXI and whoever they were stipulating with.
20 Those particular parties agreed to support a
21 particular route together.

22 All right. So go ahead and make your

1 motion then if you would like to.

2 MR. STURTEVANT: Thank you, your Honor. ATXI
3 would hereby move for admission of Stipulation
4 Exhibits 1 through 7.

5 JUDGE ALBERS: Any objection?

6 (No response.)

7 JUDGE ALBERS: Hearing none, then the
8 stipulation Exhibits 1 through 7 are admitted.

9 (Whereupon, Stipulation Exhibit
10 Nos. 1-7 were admitted into
11 evidence.)

12 MR. STURTEVANT: Thank you.

13 JUDGE ALBERS: All right. Turning to our list
14 of witnesses then, I think the first one was Loren
15 Wiese but I understand the cross has been waived for
16 that gentleman; is that correct?

17 MR. McMILLAN: That is correct.

18 JUDGE ALBERS: Next we have Jerry Murbarger.

19 You were previously sworn,
20 Mr. Murbarger?

21 THE WITNESS: Correct.

22 JUDGE ALBERS: Thank you.

1 JERRY A. MURBARGER,
2 having been first duly sworn, was examined and
3 testified as follows:

4 DIRECT EXAMINATION

5 BY MS. SEGAL:

6 Q. Good morning, Mr. Murbarger.

7 A. Good morning.

8 Q. My name is Rebecca Segal. I am an attorney
9 for ATXI.

10 Can you state your full name and
11 address for the record, please?

12 A. My name is Jerry A. Murbarger. My business
13 address is 370 South Main Street, Decatur, Illinois.

14 Q. And --

15 UNIDENTIFIED SPEAKER: Excuse me. It looks
16 like we have a mike issue again.

17 (Whereupon, a discussion was had
18 off the record.)

19 BY MS. SEGAL:

20 Q. Will you please state your full name and
21 business address again?

22 A. Yes. My name is Jerry A. Murbarger. My

1 business address is 370 South Main Street, Decatur,
2 Illinois.

3 Q. And by whom are you employed?

4 A. Ameren, Ameren Services.

5 Q. And do you have in front of you what has
6 been marked ATXI Exhibit 7.0 titled, the Direct
7 Testimony of Jerry A. Murbarger?

8 A. Yes.

9 Q. And accompanying exhibit ATXI Exhibits 7.1,
10 7.2, 7.3 and 7.4 Revised?

11 A. Yes.

12 Q. And was this testimony prepared by you or
13 under your direction and supervision?

14 A. Yes, it was.

15 Q. Do you have any changes to make to this
16 testimony today?

17 A. No.

18 Q. And do you have in front of you what has
19 been marked ATXI Exhibit 16.0 Revised, the Revised
20 Rebuttal Testimony of Jerry A. Murbarger?

21 A. Yes.

22 Q. And the accompanying exhibits marked ATXI

1 Exhibit 16.1 Revised, 16.2, 16.3 Revised?

2 A. Yes, I do.

3 Q. And was this testimony and exhibits
4 prepared by you or under your direction or
5 supervision?

6 A. Yes.

7 Q. Do you have any changes to make to this
8 testimony today?

9 A. No, I do not.

10 Q. And with respect to the testimony and
11 exhibits I have just identified, if I were to ask you
12 the same questions, would your answers still be the
13 same today?

14 A. Yes, they would.

15 Q. And are your answers true and correct to
16 the best of your knowledge?

17 A. Yes, they are.

18 MS. SEGAL: Your Honors, at this time I would
19 move for the admission of Mr. Murbarger's testimony
20 and exhibits and tender him for cross exam.

21 JUDGE ALBERS: And the first party that
22 indicated they had questions was Adams County.

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CROSS-EXAMINATION

BY MR. KALB:

Q. Mr. Murbarger, my name is Brian Kalb. I am an attorney for the Adams County Property Owners and Tenant Farmers, and I also represent the Louise Brock Partnership.

You work for Ameren Services Company, correct?

A. That's correct.

Q. And you are a transmission design specialist, correct?

A. That is correct.

Q. How long have you worked as a transmission design specialist for Ameren Services Company?

A. Twelve years. Well, that's including with my stint with Illinois Power.

Q. You were responsible for the designs for the transmission lines for the Illinois Rivers Project; is that right?

A. I am one of the responsible parties, yes.

Q. And if I refer to Illinois Rivers Project as IRP, will you understand what I am referring to?

1 A. Yes.

2 Q. Your duties included assisting with the
3 selection of line routes, correct?

4 A. My duties was including -- was assisting
5 with if the routes were buildable.

6 Q. Who did you assist with? Who did you work
7 with in that regard?

8 A. There was a team of different designers.

9 Q. Did you also evaluate and balance the cost
10 effectiveness and environmental impacts for the IRP?

11 A. I was not involved with the environmental
12 impacts. That was done by Ms. Murphy.

13 Q. So your contribution was determining what
14 routes -- strike that.

15 Your contribution was determining
16 which areas had buildable routes; is that right?

17 A. That is correct.

18 Q. And Ms. Murphy's responsibility was the
19 environmental impacts on those routes, correct?

20 A. That is correct.

21 Q. You testified that your duties typically
22 involved coordination of field surveying work; is

1 that right?

2 A. Yes, we used that also.

3 Q. Did you do that? Did you coordinate the
4 field surveying work for the IRP?

5 A. Part of that has been done through real
6 estate, and we haven't really gotten a whole lot of
7 surveying done and complete yet. We are still
8 working on that.

9 Q. What nature of the surveying has been done
10 today?

11 A. I believe the surveying has been done,
12 anything that's -- we can do by public grounds.

13 Real estate is in charge of that. So
14 they would be able to answer it better than I.

15 Q. So to save time here, as it relates to
16 Ms. Murphy's methodology of determining opportunities
17 and sensitivities, were you involved in that aspect
18 of the project?

19 A. No, I was not.

20 MR. KALB: May I approach the witness, your
21 Honor?

22 JUDGE ALBERS: Yes.

1 (Whereupon, Murbarger Cross
2 Exhibit No. 1 was marked for
3 identification.)

4 BY MR. KALB:

5 Q. Mr. Murbarger, I am handing you what has
6 been marked as Murbarger Cross Exhibit 1. Can I ask
7 you to take a look at that document for me?

8 A. Okay.

9 Q. Have you seen this document before?

10 A. I have seen a document similar to this,
11 yes.

12 Q. I would like to call your attention to a
13 particular point on this document to see if you are
14 familiar with it. It's the block titled, "Partially
15 Acquired Unoccupied Corridor." Do you see that?

16 A. Yes, I do.

17 Q. Are you familiar with that aspect of this
18 document?

19 A. I found out about this about a week ago.

20 Q. Okay. And this document pertains to the
21 corridor between Quincy and Meredosia, correct?

22 A. That is correct.

1 Q. And when you did your analysis on whether a
2 route was buildable, did you consider the route
3 titled, "Partially Acquired Unoccupied Corridor"?

4 A. No, I did not.

5 Q. And do you know what the partially acquired
6 unoccupied corridor is?

7 A. No, I do not. Real estate would be more in
8 line to answer that question.

9 Q. Since you became acquainted with this
10 particular partially acquired unoccupied corridor,
11 have you done any analysis to determine whether that
12 route is buildable?

13 A. No, I have not.

14 Q. Do you understand that it is Adams County
15 Property Owners' position that the route should
16 follow the partially acquired unoccupied corridor?

17 A. That's my understanding, yes.

18 Q. And then I'd ask -- well, why haven't you
19 considered whether or not that particular route is
20 buildable from ATXI's standpoint?

21 A. We would look at our two routes, and we are
22 saying that the routes that we have there are

1 buildable.

2 Q. So as far as the analysis that ATXI did for
3 potential routes, did ATXI consider any of -- any
4 other routes other than the primary and alternate for
5 the route between Quincy and Meredosia?

6 A. There was lots of routes, different routes
7 looked at that were brought to our attention by
8 Ms. Murphy and her group. These were the final
9 routes that came out based on buildability.

10 Q. So if I understand, your testimony is that
11 you did not determine whether or not any other
12 potential routes were buildable, correct?

13 A. That is not correct. We looked at all
14 different kinds of routes, and determined these were
15 the best routes to build as far as construction.

16 Q. But at least as it relates to the ACPO
17 Route No. 1, you did not analyze whether or not that
18 route was buildable, correct?

19 A. That is correct.

20 Q. Mr. Murbarger, are you aware of any health
21 risks associated with transmission lines in close
22 proximity to people?

1 A. I am not an expert in that field. So we
2 have other people that are probably better to answer
3 that question.

4 Q. And so I take it by your answer you are not
5 aware of any health risks associated with
6 transmission lines in close proximity to livestock,
7 correct?

8 A. No, I am not.

9 Q. Are you familiar with the -- what's
10 considered as the hybrid route running between Quincy
11 and Meredosia?

12 A. Yes, I am.

13 Q. Okay. Are you aware of whether the hybrid
14 route passes in close proximity to a dairy barn?

15 A. My understanding, yes, it does.

16 Q. And did that factor into your determination
17 of whether or not that route, the hybrid route, was
18 buildable?

19 A. The hybrid route is part of our alternate
20 route; so, yes, we decided that it would be
21 buildable.

22 Q. But the fact that the hybrid route passes

1 in close proximity to a dairy barn did not factor
2 into your analysis?

3 A. No, it did not.

4 Q. You wouldn't have to alter the engineering
5 or the structures to allow it to pass in front of the
6 dairy barn?

7 A. Yes. We would build in a way that we would
8 work with the landowner to verify that there was no
9 issues and work with that landowner to solve any
10 problems.

11 Q. Is that something you would do in the
12 future, or have you done it already?

13 A. No, we have not. We have not talked to any
14 landowners.

15 Q. So you don't know -- as you sit here today,
16 you don't know what mitigation ATXI would take to
17 mitigate the impact of the transmission lines for the
18 dairy barn on the hybrid route, correct?

19 A. I'm not sure what mitigations she would be
20 concerned of. We are not going to build the lines
21 over the barn or anything like that. We will stay
22 away from the barns.

1 Q. Do you know how close the transmission
2 lines for the hybrid route are to the dairy barn?

3 A. No, I have not looked at it that close.

4 Q. So you don't know, as you sit here today,
5 what mitigation would be appropriate for that dairy
6 barn, correct?

7 A. No, I do not. We are flexible in our line
8 location. So we can work -- work a little better on
9 that.

10 Q. That leads me to another topic. When you
11 say you are flexible with your line locations, what
12 do you mean by that?

13 A. We would be able to move the line a little
14 away from the barns to the south to stay away from
15 them.

16 Q. If I understand your rebuttal testimony,
17 you are limited to moving the lines from the center
18 line five feet, correct?

19 A. The center line of the right-of-way.

20 Q. Okay. And do you know exactly where the
21 right-of-way is as it passes in front of the dairy
22 barn?

1 A. At this time, we do not.

2 Q. So then how do you know how far you would
3 be able to move that line to mitigate any harm if the
4 transmission line may fall on the dairy barn?

5 A. We would work with real estate to find out
6 which, how much or what right-of-way they purchased
7 and then work with that.

8 Q. As it relates to the flexibility that ATXI
9 has to mitigate any kind of potential harm the
10 transmission lines may have to property owners, I
11 believe you have already testified that ATXI may move
12 the line five feet one direction or the other once
13 the -- from the center line once the easement is
14 procured, correct?

15 A. That is correct.

16 Q. And then structures that -- transmission
17 line structures you have the flexibility to move
18 approximately -- is it 50 feet?

19 A. Correct.

20 Q. And as it relates to the transmission line
21 easements parallel to roadways, as I understand it,
22 you have the flexibility to move the transmission

1 line near the edge of the right-of-way; is that
2 right?

3 A. Edge of --

4 Q. Let me just refer you to your direct
5 testimony. Do you have that in front of you?

6 A. Yes, I do.

7 Q. Exhibit 7.0. I will refer you to page 7,
8 the question beginning at line 131.

9 And your answer to the -- when the
10 question -- the question is, "When the electric line
11 parallels a road right-of-way, but is to be placed on
12 private land, how far from the edge of the
13 right-of-way will the center line of the support
14 structures be placed?"

15 And your answer is, The center line of
16 the tangent structures will typically be placed as
17 close as practical to the edge of the right-of-way.

18 A. I believe the edge of the road
19 right-of-way.

20 Q. Okay.

21 A. Not the transmission right-of-way.

22 Q. And then the next question I had a

1 follow-up for you. At line 139 you state, "When the
2 electric line parallels other electric transmission
3 lines, will ATXI adjust the easement widths it
4 acquires?"

5 And your answer is, "No, ATXI will
6 still require 150-foot easement widths. However,
7 where the transmission line parallels other
8 transmission facilities, ATXI will seek to acquire an
9 overlapping easement so as to reduce the total
10 easement width impacting a given property."

11 When you say the word "transmission
12 facilities," what do you mean?

13 A. Other transmission lines.

14 Q. So if I understand it, if the -- if ATXI's
15 transmission line for this project, IRP, will
16 parallel other transmission lines, ATXI will seek to
17 acquire an overlapping easement so as to reduce the
18 total easement width impacting the property; is that
19 right?

20 A. If we have easements that are wider than
21 100 feet, yes, we will have overlapping easements.

22 Q. Okay.

1 A. If easements are less than that, no.

2 Q. Can I call your attention back to Murbarger
3 Cross Exhibit 1? Do you see that?

4 A. Yes.

5 Q. In this exhibit do you see an existing 138
6 kV line running from Quincy down to Ridgefield
7 Township?

8 A. Yes.

9 Q. Do you see that?

10 A. It's the green line, yes.

11 Q. Okay. That, I take it, is an existing
12 transmission line with an easement, correct?

13 A. That is correct.

14 Q. Do you know how wide that easement is?

15 A. No, I do not.

16 Q. Okay. So you don't -- as you sit here
17 today don't know whether it's possible to include an
18 overlapping easement for this particular route,
19 correct?

20 A. That is correct.

21 Q. And if you are able to -- strike that.

22 If it was possible to have an

1 overlapping easement for this route, it would reduce
2 the total easement width impacting a given property,
3 correct?

4 A. If we overlapped the easements, yes.

5 Q. And did you do any studies or analyses to
6 determine whether it was possible to do an
7 overlapping easement as it relates to ACPO's Route
8 No. 1?

9 A. No, I have not.

10 Q. And would you be the person from ATXI
11 responsible for that?

12 A. There would be a team of people that would
13 be involved in that. I would be a part of that team,
14 yes.

15 Q. You determined the base cost for the
16 primary route, correct?

17 A. That is correct.

18 Q. And you determined the base cost for the
19 alternate route; is that right?

20 A. That is correct.

21 Q. And what is meant by the term "base cost"?

22 A. The actual material cost, labor cost

1 engineering cost, real estate cost, environmental
2 cost.

3 Q. So the base cost includes the cost to
4 acquire private property?

5 A. Yes.

6 Q. You submitted base costs in your rebuttal
7 testimony for the line from Quincy to Meredosia,
8 correct? And let me call your attention to ATXI
9 Exhibit 16.3, page 2 of 9.

10 MS. BOJKO: 16.3 revised?

11 BY MR. KALB:

12 Q. Yes.

13 A. Yes, I have that exhibit.

14 Q. And this exhibit shows the base costs for
15 both the rebuttal recommended route, which we
16 referred to as the hybrid route, and ACPO's Route
17 No. 1, correct?

18 A. That is correct.

19 Q. What is the -- strike that.

20 What is the base cost for the hybrid
21 route?

22 A. The base cost is \$105,859,000.

1 Q. And what is the base cost for ACPO Route
2 No. 1?

3 A. \$96,738,000.

4 Q. That's approximately \$9 million less?

5 A. That is correct. It's a shorter route.

6 Q. And your testimony is that these base costs
7 include the estimated cost to acquire private
8 property?

9 A. Yes, it does.

10 Q. And just to be clear, so I understand you,
11 the base cost includes the estimated cost to acquire
12 private property through eminent domain or through
13 negotiation?

14 A. I'm not sure of that. I think it's through
15 negotiation.

16 Q. Okay. Were you the person who determined
17 the estimated amount it would cost to acquire private
18 property?

19 A. No, I was not.

20 Q. Who was that?

21 A. Mr. Trelz.

22 Q. In your rebuttal testimony in ATXI

1 Exhibit 16.0 you address some mitigation ATXI may
2 perform to address farming concerns; is that right?

3 MS. SEGAL: Do you have a page number?

4 BY MR. KALB:

5 Q. It's pages 4 and 5 of his rebuttal
6 testimony. My specific questions will be relating to
7 page 5.

8 Mr. Murbarger, your answer is on line
9 81.

10 A. Okay.

11 Q. The farming concerns that you address are
12 interference with aerial crop spraying and center
13 pivot irrigation equipment, correct?

14 A. There is no mentioning of aerial spraying,
15 but, yes, it does talk about center pivots.

16 Q. Okay. Just to go -- let me call your
17 attention -- and I apologize for flip-flopping around
18 here -- on page 4, line 62.

19 A. Okay.

20 Q. You mention that, for instance, certain
21 interveners have expressed concerns that their
22 ability to farm will be impacted due to interference

1 with aerial crop spraying or center pivot irrigation
2 equipment; is that right?

3 A. Yes, it is.

4 Q. Or because also of difficulty maneuvering
5 machinery around the poles; is that right?

6 A. Yes, it is.

7 Q. And then your testimony is that some of
8 these concerns may be mitigated by the placement of
9 the poles?

10 A. That is correct.

11 Q. Those efforts to mitigate these farmers'
12 concerns are only done at the detailed design phase,
13 correct?

14 A. Correct. We are not even close to getting
15 to that point yet.

16 Q. And your ability to mitigate -- I think we
17 have already discussed -- depends on the flexibility
18 you have in where to place the lines off the center
19 point, correct?

20 A. That is correct.

21 Q. And so you have five feet of flexibility
22 once the easement is established, correct?

1 A. That is correct.

2 Q. Would you agree that the five-foot
3 flexibility you have off the center line would not
4 mitigate all the farmers' concerns?

5 A. I'm not sure what the farmers' concerns
6 would be. So I can't answer that question.

7 Q. Well, for example, an aerial spraying
8 interference, that wouldn't mitigate their concerns
9 regarding aerial spraying, would it?

10 A. Probably not.

11 Q. You would agree that it's the presence of
12 the transmission line itself that creates the
13 obstacle for aerial spraying, correct?

14 A. Yes, it does.

15 Q. Did you perform any comparative analysis
16 into the cost and operation and maintenance of the
17 lines between the primary and alternative routes?

18 A. No, I did not.

19 Q. Do you know what I mean by comparative cost
20 analysis for the cost of operation and maintenance of
21 those lines?

22 A. I'm not really sure about that one. Could

1 you --

2 Q. I'm sorry. So what I mean by that is once
3 the lines are constructed, whether there is an
4 additional cost with the lines being on one
5 line versus -- one route versus another?

6 A. No. We did not look through any of that.

7 Q. Do you normally do that?

8 A. No.

9 Q. And I take it by your testimony you
10 wouldn't have done any kind of comparative cost
11 analysis into the cost of operation and maintenance
12 of the lines for any of the proposed routes,
13 including ACPO Route No. 1, correct?

14 A. That is correct.

15 MR. KALB: Thank you, Mr. Murbarger. I have no
16 further questions.

17 JUDGE ALBERS: I think before we hear from our
18 next party who would like to cross-examine
19 Mr. Murbarger, we need to disconnect the phone bridge
20 and reestablish the link with the Chicago video
21 conference. Why don't we take a five-minute break.

22

1 (Whereupon, a short break was
2 taken.)

3 MR. ALBERS: Mr. Kalb -- we are going to get
4 started again. Mr. Kalb, do you want to move for the
5 admission of your cross exhibit?

6 MR. KALB: Yes, your Honor. I would like to
7 move for the admission of Murbarger Exhibit No. 1 --
8 Cross Exhibit No. 1 into evidence.

9 JUDGE ALBERS: Any objection to Murbarger Cross
10 Exhibit 1?

11 MS. SEGAL: The company has no objection, your
12 Honor.

13 (Whereupon, Murbarger Cross
14 Exhibit No. 1 was admitted into
15 evidence.)

16 JUDGE ALBERS: I can still hear a lot of
17 chatting. Can you please cut that down? Thank you.

18 And Mr. Kalb, did you want to make a
19 statement regarding your exhibits?

20 MR. KALB: Yes, your Honor. In evaluating the
21 exhibits we filed through the direct testimony on
22 March 28th, we discovered in our office that there

1 was some errors in the identification of the
2 exhibits, and so what I plan on doing is going back
3 to my office and redesignating the exhibits so they
4 make sense and circulating them in an errata form and
5 then filing them with the circuit clerk so that they
6 are all in order and that they make sense to
7 everyone.

8 JUDGE ALBERS: Just so everybody knows, there
9 is no substantive changes to the testimony itself.

10 Mr. KALB: There will be no substantive changes
11 to the testimony. It's just redesignating the
12 exhibits in a consecutive order so that they make
13 sense.

14 JUDGE ALBERS: All right. Very good. Thank
15 you. All right. Then our next party is Farm Bureau.

16 CROSS-EXAMINATION

17 BY MS. HARMON:

18 Q. Good morning. I am Laura Harmon, Mr.
19 Murbarger, and I represent the Illinois Farm Bureau.
20 I just had a few follow-up questions for you.

21 You testified that you are responsible
22 for coordinating the field surveying work. Can you

1 tell me what that entails?

2 A. The coordination of the survey work would
3 be locating the section lines and the property lines.

4 Q. So with respect to actual surveying for
5 each landowner's particular property, that's not part
6 of your responsibilities?

7 A. That is correct. That will be done by real
8 estate after the center line -- or after the route is
9 selected and the real estate will be working with the
10 landowners and will be presenting those documents at
11 that time.

12 Q. Okay. So that level of field surveying
13 occurs once the route is approved, correct?

14 A. That is correct.

15 Q. And you testified that you determined -- or
16 your responsibilities include determining whether a
17 route is buildable?

18 A. That is correct.

19 Q. What factors do you look at when you
20 determine whether a route is buildable?

21 A. Different obstacles; if there is houses
22 along the route, if there is barns along the route.

1 Center pivots, another big issue. We have had to
2 work around those, other existing lines, distribution
3 lines.

4 MR. GOWER: Would you please read that answer
5 back? I missed the third item.

6 (Whereupon, the record was read
7 as requested.)

8 BY MS. HARMON:

9 Q. And with respect to these obstacles, this
10 is based upon the information that Ameren is able to
11 ascertain prior to filing the petition, correct?

12 A. Based on aerial surveys or aerial picture
13 photography that we have from Google and things of
14 that nature.

15 Q. Okay. Thank you. You also testified -- I
16 believe it's on page 7 of your initial testimony. I
17 have a few questions regarding paralleling road
18 rights-of-way.

19 You testified that when you place a
20 transmission line along a road right-of-way, and it's
21 located on private property, that it's typically
22 placed at the edge of the road right-of-way?

1 A. That's what we try to do, yes.

2 Q. Is it possible to utilize part of the road
3 right-of-way as part of the 150-foot easement?

4 A. By doing that, we would be using part of
5 the road right-of-way, the overhanging part of the
6 road right-of-way.

7 Q. And it is possible to do that, correct?

8 A. Yes, possible.

9 Q. And in order to do that, would you have to
10 contact IDOT?

11 A. Yes. Yes, we would need to work with IDOT
12 and the county for county roads.

13 Q. Okay. Would that -- contacting IDOT or
14 locating or utilizing part of IDOT's right-of-way,
15 would that be part of your responsibilities?

16 A. I would be a part of that team. We would
17 have several designers being involved in this
18 project. Those designers would then talk with the
19 real estate folks. Real estate would then be
20 involved in getting IDOT's approval.

21 Q. Okay. And, do you know, would that request
22 or that -- from Ameren's part of the team, would that

1 come before the route is selected?

2 A. No, it would not.

3 MS. HARMON: I have nothing further.

4 JUDGE ALBERS: Thank you. Next, we have
5 Moultrie County Property Owners. Mr. Robertson?

6 MR. ROBERTSON: Nothing at this time.

7 JUDGE ALBERS: We have Rural Clark and Edgar
8 County Concerned Citizens.

9 CROSS-EXAMINATION

10 BY MR. MORAN:

11 Q. I am here. Mr. Murbarger, my name is Bill
12 Moran. I represent the Rural Clark and Edgar County
13 Concerned Citizens here with my co-counsel, Joe
14 Schroeder.

15 Obviously, we are concerned with the
16 section of the project from the Kansas substation to
17 the Indiana line. As far as that is concerned,
18 pursuant to Staff's request, you prepared an exhibit,
19 ATXI Exhibit 16.3 Revised, page 8 of 9, which did a
20 base cost estimate related to the primary alternate
21 routes that were suggested by Ameren and then Stop
22 The Power Lines Alternate Route No. 2; is that

1 correct?

2 A. That is correct.

3 Q. And you did your full analysis of all three
4 of those routes as far as looking at all the factors
5 that you have listed before?

6 A. No, I have not.

7 Q. What did you leave out of that?

8 A. Just the primary routes and the alternate
9 routes. We did not look at the constructability of
10 the Stop the Power Lines route, too.

11 Q. But you did come up with a base cost to
12 that?

13 A. Yes, based on mileage.

14 Q. And it was the least cost alternative here?

15 A. Based on mileage, yes, but no other
16 analyses have been done.

17 Q. But the least cost is about one and a half
18 million dollars?

19 A. Somewhere in that neighborhood, yes.

20 Q. As far as your design of this route, you
21 answered some questions about parallel lines where
22 two rights-of-way parallel each other, the new

1 transmission line with an existing right-of-way for a
2 transmission line. Are there places along the route
3 from the Mississippi River to the Indiana line where
4 you did parallel lines?

5 A. I believe there were in a few cases. I
6 don't remember exactly where, but maybe a couple of
7 places.

8 Q. There is a couple of places. So is it a
9 standard practice that you use in the transmission
10 line industry to parallel these right-of-ways?

11 A. No, it is not. For maintenance purposes we
12 like to separate them as much as possible.

13 Q. But in this case, in your original
14 testimony that you provided in November, lines 139 to
15 143, you were asked the question, "When electric
16 lines parallel other electric transmission lines,
17 will ATXI adjust the easement widths it acquires?"

18 "No. ATXI will still require 150-foot
19 easement widths. However, where the transmission
20 line parallels other transmission facilities, ATXI
21 will seek to acquire an overlapping easement, so as
22 to reduce the total easement width impacting a given

1 property."

2 So you did consider having these
3 parallel lines in this project?

4 A. Yes. We did look at some places, and I
5 do -- I can't remember all of the places that they
6 are parallel right now, but we will still ask for a
7 150-foot wide easement for this new project.

8 Q. But in the final design process, that 300
9 total feet could be reduced somewhat, based upon the
10 construction factors, the reliability factors and the
11 maintenance factors?

12 A. I think I stated earlier that if the
13 existing transmission line has a wider easement than
14 100 feet, then there will be no place to overlap
15 those easements. If that -- wider than 100, yes, we
16 could overlap some easements.

17 Q. And how much could they overlap?

18 A. It depends on what the easement width is.
19 We want to maintain the minimum 125-foot separation.

20 Q. In your original testimony I saw that the
21 poles that are going to be used for this project are
22 described as single shaft self-supported steel poles

1 on concrete foundations; is that correct?

2 A. That is correct.

3 Q. And is that the state-of-the-art as far as
4 support structures for this type of a project?

5 A. Yes, it is.

6 Q. And these are more reliable than the old
7 wooden age poles or what I call the erector set
8 towers that have the four bases?

9 A. I wouldn't say more reliable. It's just a
10 more modern technology.

11 Q. Is it -- are they -- are they protected
12 more from catastrophic events like tornadoes, high
13 winds?

14 A. There is design criteria we use for the
15 single shaft structures just like we would for an
16 H frame structure. Are they more reliable? I cannot
17 answer that question.

18 Q. Have you had any of them come out of the
19 ground in any of the projects that you have done in
20 Illinois?

21 A. No, we have not.

22 Q. Have you ever had one tip over?

1 A. No, we have not.

2 Q. The next questions I have related to there
3 is actually a place in the project from Sydney to
4 Rising where there is going to be dual circuit lines?

5 A. That is correct.

6 Q. And that's pursuant to an order of the ICC
7 in relation to another docket, 12-0080?

8 A. That is correct.

9 Q. And the ICC has ordered and directed that
10 if this project gets approved, that you have dual
11 circuit lines?

12 A. Only if that route is -- that primary route
13 is selected. If the alternate route was selected,
14 then, no, there would not be double circuit.

15 Q. But you went as far as in your testimony
16 you have ATXI Exhibit 7.2, which is a schematic
17 drawing of a typical dual circuit tower structure?

18 A. That is correct. We wanted to put that in
19 the docket so that you would understand what it would
20 look like.

21 Q. Besides these two projects that we are
22 talking about, have you used dual circuits in other

1 places?

2 A. Yes, we have.

3 Q. So is it a regular practice or is it just
4 something that you use for special problems?

5 A. Special problems.

6 Q. What kind of special problems?

7 A. Limited space going into substations. A
8 lot of times when you get into the substation area
9 you don't have a lot of adjustment. There is a lot
10 of lines in the way. So a lot of times you have to
11 use dual circuits to get into those areas.

12 Q. And when you use dual circuits, would it be
13 possible to have a 138 kV line with the 345 kV line
14 on the same pole?

15 A. Yes, it is.

16 Q. And how would they spread that out? Would
17 the 138 be on one side and the 345 kV on the other?

18 A. You could do it that way, or you could do
19 it vertical stacked, one on top of the other.

20 Q. With the reliability of these poles, none
21 of them have ever fallen down that you are going to
22 use, would there be any reliability problems in this

1 case, for instance, if you dual circuited straight
2 out of the Kansas substation east toward the Indiana
3 line along the existing 138 kV line?

4 A. The poles are not the only issue we have to
5 deal with. You have the conductors that's going
6 between the poles. If a storm comes through, takes
7 out trees, blows the trees into the conductor, that
8 could break the conductor, break the insulators and
9 make that fall down. Then, you also are going to
10 have the possibility of those two lines coming
11 together taking both lines out at the same time. So
12 that's more the concern than it is actually the
13 structures, themselves.

14 Q. Okay. So trees or the vegetation is the
15 big issue?

16 A. That and buildings; a barn from a half a
17 mile away could blow into it.

18 Q. And as far as -- let's just take, for
19 example, the Kansas substation to the Indiana line
20 where that 138 kV line already exists. That's a
21 local transmission line; is that correct?

22 A. That's an AIC. Ameren Illinois Company's

1 transmission line. That is correct.

2 Q. So the power from that line is used locally
3 at least in that immediate area?

4 A. That is correct. This transmission line we
5 are going to build will be tying into the Kansas
6 line. So it's tied into the grid. So it's just part
7 of the grid that serves anybody.

8 Q. But isn't its main purpose to, in effect,
9 act as a trunk line to haul electricity across the
10 State of Illinois to places farther east?

11 A. That's something that -- planning would
12 have to answer that question.

13 Q. So you don't -- even though you set up the
14 line, you don't know what it's planned to do?

15 A. My job is to build a transmission line that
16 delivers power from point A to point B.

17 Q. Because the point I was going to make is
18 that if a barn got blown into the pole, local would
19 lose power anyway, and that there would be no
20 additional effect on at least the Illinois
21 properties, because their power is already out based
22 upon that transmission line so that there really

1 wouldn't be an effect on anybody here in the State of
2 Illinois?

3 A. There is a possibility we would have
4 another line from another direction that would be in
5 that same area. Just because that line -- one line
6 went down, we might be able to carry the system. If
7 two lines go down, you might be out, at a loss.
8 Mr. Hackman here, he talks more about that in his
9 testimony, about how to handle that.

10 Q. Is it a regular occurrence that barns get
11 blown into power lines 140 feet above the ground?

12 A. Never, you know, say never.

13 Q. Sure. It's always possible, but is it a
14 regular occurrence here in the State of Illinois?

15 A. You never know when it could happen. I
16 can't say it happened yesterday or last week, but it
17 could happen.

18 Q. I noticed in your background you have some
19 maintenance history. Did you ever go out to a
20 project where a barn had been blown from a half mile
21 and knocked down a pole?

22 A. Actually, I have had a metal shed blow into

1 the line before, yes.

2 Q. And that would have -- that could have
3 happened whenever the line was -- whether it was
4 paralleled or not?

5 A. That's true. But when you take two lines
6 side by side, that shed takes out two lines versus
7 one line if they are close together.

8 Q. Or it could take out half the lines, and
9 the other lines would be fine?

10 MS. SEGAL: I am going to object, your Honor.
11 At this point it's not only speculative, but we have
12 been asked a series of questions that go to planning,
13 and Mr. Murbarger's testimony has been limited to
14 simply the line's design.

15 JUDGE ALBERS: Can you distinguish the planning
16 from line design for me?

17 MS. SEGAL: Well, the planning is whether one
18 line is needed where, and if one is taken out, do you
19 still have power to other areas; whereas, Mr.

20 Murbarger is simply, we need a line in this area.

21 Can you design it in accordance with where we need

22 the power to come from and where we need the power to

1 go to?

2 JUDGE ALBERS: I think we have heard quite a
3 bit on this particular line anyways.

4 MR. MORAN: And I think I have made my point,
5 your Honor. So I will withdraw that last question.

6 JUDGE ALBERS: All right.

7 MR. MORAN: And I have no further questions.

8 JUDGE ALBERS: Thank you. Next on our list is
9 Staff. Is Mr. Olivero or Mr. Harvey available?

10 MR. OLIVERO: Your Honor, Jim Olivero on behalf
11 of Staff. We have waived cross on Mr. Murbarger.

12 JUDGE ALBERS: All right. Thank you. Mr.
13 Gower, are you -- do you still have questions?

14 MR. GOWER: Yes, I do.

15 JUDGE ALBERS: Go ahead.

16 CROSS-EXAMINATION

17 BY MR. GOWER:

18 Q. Mr. Murbarger, my name is Ed Gower. I
19 represent a number of parties in this proceeding.
20 For purposes of the questioning that I am about to go
21 into, it concerns the location of the line, the
22 primary route in Clark County, and I represent Stop

1 the Power Lines Coalition, Tarble Limestone
2 Enterprises and JDL Broadcasting, in Clark County.

3 The -- I know that you described your
4 role in the development of the routes, but I was in
5 the back of the room, and I had a hard time hearing.
6 So if you wouldn't mind, if you would just briefly
7 describe for me your role in ATXI's proposed 345 kV
8 transmission line project.

9 A. My role is to make sure that the line is
10 buildable, the route is buildable.

11 Q. And that goes to the constructability of
12 the line?

13 A. That is correct.

14 MR. GOWER: All right. Your Honor, may I
15 approach?

16 JUDGE ALBERS: Yes.

17 (Whereupon, STPL Cross Exhibit
18 No. 1 was marked for
19 identification.)

20 BY MR. GOWER:

21 Q. Mr. Murbarger, I have just handed you a
22 document that I have previously marked as STPL Cross

1 Exhibit 1. It is ATXI's response to STPL Data
2 Request 5.04. And that data request says, Please
3 identify each person who participated in the
4 development of the modified route described in ATXI's
5 response to Data Request STPL 4.4 in ATXI's
6 attachment to that request. Do you see that?

7 A. Yes.

8 Q. And are you familiar with the modified
9 route that's referenced in that?

10 A. Somewhat, yes.

11 Q. Now, down below in the answer it says, The
12 ATXI representatives who participated included the
13 following, and your name was listed there. Do you
14 see that?

15 A. Yes.

16 Q. And then it goes on to say that, For the
17 individuals listed above, all reviewed the floodplain
18 easement via review of geographic information system
19 based maps to confirm that the added angle was
20 feasible from an engineering, environmental and real
21 estate perspective. Do you see that?

22 A. That is correct, yes.

1 Q. What did you do to develop the proposed
2 modified route?

3 A. I looked to see if we could actually put in
4 the angle structures to make it work.

5 Q. All right. And prior to the development of
6 the modified route, did you visit the site?

7 A. A helicopter tour. By helicopter, yes.

8 Q. But not on the ground?

9 A. No.

10 Q. So you wouldn't be familiar, for example,
11 with the topography much, would you?

12 A. No, I would not.

13 Q. Now, this modified route, it was designed
14 to go around a federal floodplain easement area. Is
15 that correct?

16 A. That's my understanding, but that's about
17 all I know about it.

18 Q. Do you recall that the federal floodplain
19 easement area was quite hilly?

20 A. I do not recall.

21 Q. Now, prior to the development of the
22 modified route, to your knowledge, did anyone conduct

1 a site visit on behalf of ATXI?

2 A. I can't say I can answer that. I don't
3 know.

4 Q. To your knowledge, no one did; is that
5 correct?

6 A. To my knowledge, no.

7 Q. Okay. And you said you -- did you say you
8 flew over the route?

9 A. Yes.

10 Q. Via helicopter?

11 A. Yes.

12 Q. Who else was with you?

13 A. There was several people between real
14 estate, ERM, ICC Staff. That's about it.

15 Q. Was this helicopter tour that you took over
16 the site, a tour conducted in October of 2012 prior
17 to filing the petition?

18 A. I don't know the exact date, but it was
19 somewhere in that neighborhood.

20 Q. Was it prior to filing the petition?

21 A. Yes, it was.

22 Q. And was Greg Rockrohr with you on that

1 flight?

2 A. Yes, he was.

3 Q. Was Jeff Hackman with you on that flight?

4 A. I do not believe so.

5 Q. And how about Donnell Murphy, was she with
6 you on that flight?

7 A. Yes, she was.

8 Q. Okay. Did you have any discussion during
9 that flight or prior to filing the petition about the
10 federal floodplain easement lying in the path of the
11 primary route in Clark County?

12 A. I was aware of none, no.

13 Q. I'm sorry?

14 A. I was aware of none.

15 Q. You were not aware prior to filing the
16 petition that there was a federal floodplain easement
17 lying in the path of the primary route in Clark
18 County; is that correct?

19 A. That is correct.

20 Q. Now, prior to the development of the
21 modified route, did you conduct research into
22 ownership of the land on which the modified route

1 would be located?

2 A. That was something that real estate would
3 do. I have no knowledge of that.

4 Q. Prior to the development of the modified
5 route, did anyone, to your knowledge, conduct that
6 research on behalf of ATXI?

7 A. Again, that would be something that the
8 real estate department would have done. I have no
9 idea.

10 Q. You don't know whether they did it or not;
11 is that correct?

12 A. I have no idea.

13 Q. Now, if you would look back at STPL Cross
14 Exhibit 1, what did you personally do to confirm that
15 the added angle was feasible from an engineering
16 perspective?

17 A. Make sure that we -- the spans were at a
18 distance that we could go from point A to point B,
19 and back in line again and span around it.

20 Q. And is that the extent of your --

21 A. Yes.

22 Q. And what did you personally do to confirm

1 that the added angle was feasible from a real estate
2 perspective?

3 A. Nothing. Those are real estate questions.

4 Q. And what did you personally do to confirm
5 that the added angle was feasible from an
6 environmental perspective?

7 A. Again, that would be for the environmental
8 folks to answer that question. I didn't do anything.

9 Q. You did nothing, correct?

10 A. Nothing.

11 Q. When did you first become aware that ATXI's
12 proposed primary route for the segment between the
13 Kansas substation and the Indiana state line in Clark
14 County was designed to cross a federal floodplain
15 easement?

16 A. About the time this DR was out.

17 Q. When were you first made aware that the
18 federal government might object to the use of the
19 federal floodplain easement property for construction
20 of ATXI's proposed transmission line?

21 A. I was not aware of that.

22 MR. GOWER: Those are the only questions I

1 have. Thank you, Mr. Murbarger.

2 EXAMINATION

3 BY JUDGE ALBERS:

4 Q. Mr. Murbarger, I have just a couple of
5 clarifying questions based on some stuff I heard.

6 So with regard to the cross-exam that
7 Mr. Gower just conducted, when did you become aware
8 of the potential need for a modified route?

9 A. This DR was dated 4/23. So sometime in
10 that neighborhood.

11 Q. Okay. That's when you began working on it?

12 A. Yes.

13 Q. So when you were on the helicopter trip
14 with Mr. Rockrohr and the others, you weren't
15 contemplating it. At that time, there was no need to
16 consider that?

17 A. Correct.

18 Q. Okay. And then, just very generally, does
19 the time it takes to build a transmission line depend
20 on a variety of factors, if you know?

21 A. Yes, it does.

22 Q. So even if the Commission -- if the

1 Commission did not approve a segment of the route,
2 but within a matter of months, hypothetically, you
3 know, it did complete the line, so to speak, it would
4 be hard to say how long it would take to finish the
5 entire project; is that fair?

6 A. Well, we are trying to maintain the
7 document -- or the date that the MISO has set forth
8 for such planning we probably spoke about or will
9 speak about, but that's the -- that's our schedule we
10 are trying to meet.

11 Q. Okay. But as far as just the practical
12 matter, does construction time just depend on the
13 terrain, the weather, the --

14 A. Correct.

15 Q. A variety of factors?

16 A. Yes.

17 Q. And then as far as just general maintenance
18 of the transmission line, to the extent that repairs
19 or any kind of work is necessary, is it -- I assume
20 you considered that when you were considering route
21 options; is that correct?

22 A. You always have to look at that, yes, so,

1 you know, how -- is it an area you have to get to,
2 how difficult it is to get to. With some areas you
3 can't avoid that and some areas you can.

4 Q. Okay. Do you -- is the presence of
5 existing roads considered when you are looking at
6 maintenance issues, future maintenance issues?

7 A. Yes, it does.

8 Q. Is that because existing -- the presence of
9 an existing road simply makes it easier to get to the
10 line to work on it?

11 A. That is true.

12 JUDGE ALBERS: Okay. That's all I had. Do you
13 have any redirect?

14 MS. SEGAL: Can we have a moment?

15 JUDGE ALBERS: Sure.

16 (Whereupon, a short break was
17 taken.)

18 JUDGE ALBERS: Before you begin any redirect,
19 Mr. Gower has a request.

20 MR. GOWER: I do have recross based upon your
21 questions concerning buildability and maintenance,
22 your Honor.

1 MS. SEGAL: And, your Honor -- your Honor, if
2 the recross is simply limited to your questions, we
3 have no objections. Anything beyond that, Mr. Gower
4 has already indicated that he has no more questions.
5 You have asked your questions, and we were preparing
6 for redirect.

7 JUDGE ALBERS: Mr. Gower?

8 MR. GOWER: If it's limited to what? I didn't
9 hear the --

10 JUDGE ALBERS: Just to my questions.

11 MR. GOWER: You will have to judge for your --
12 it's limited to the questions as to maintenance or
13 constructability, but I am going to ask him if he
14 can --

15 MS. SEGAL: No. Then the company objects to
16 that, your Honor.

17 JUDGE ALBERS: Let me hear the question before
18 you object. What is the question?

19 MR. GOWER: I am going to ask him if he can
20 maintain a line where he can't touch the ground for
21 two-thirds of a mile.

22 MS. SEGAL: And, your Honor, I don't believe

1 that is related to your questions.

2 JUDGE ALBERS: I don't -- I agree. We are not
3 going to go that way. So your request is denied.

4 MR. KALB: Your Honor, I have -- I have the
5 same request. This is Brian Kalb for the Adams
6 County Property Owners and Louise Brock-Jones
7 Partnership. I would like to ask a question based on
8 your cross-examination.

9 JUDGE ALBERS: Directly tied to my
10 cross-examination?

11 MR. KALB: Yes, directly tied.

12 JUDGE ALBERS: What is your question?

13 MR. KALB: When you asked some questions about
14 the cost of operation and maintenance and the
15 feasibility of maintenance on one route versus the
16 other, and I wanted to ask the witness if he agreed
17 with you, if the witness did any kind of cost
18 analysis or comparative analysis from one route to
19 the other. I believe in -- to my questions he said
20 no, but to your question he said he considered it.

21 And so I want to know if when he
22 considered it, did he attach any monetary value to

1 those considerations.

2 JUDGE ALBERS: Do you have any objections to
3 him answering that? Go ahead.

4 MS. SEGAL: What I would say is those questions
5 are outside the scope of Mr. Trelz's testimony. It
6 would be better directed to Mr. Hackman.

7 JUDGE ALBERS: I think he did --

8 MS. SEGAL: I'm sorry. Mr. Murbarger.

9 JUDGE ALBERS: I think that question does tie
10 to what I had asked. So I will allow that question.
11 So do you recall the question at this point? It's
12 okay to say no.

13 THE WITNESS: Not really, no.

14 RE-CROSS EXAMINATION

15 BY MR. KALB:

16 Q. Okay, sir. Judge Albers asked you some
17 questions about considerations on this and the
18 buildability and whether the facility being near
19 roads would make the maintenance easier. Do you
20 recall that?

21 A. Yes, I do.

22 Q. My only question to you in follow-up is,

1 when you gave those considerations or when you had
2 those considerations, did you attach any kind of
3 monetary value to those considerations from one line
4 to the next?

5 A. I do not believe so.

6 MR. KALB: That's all the questions I have.

7 Thank you.

8 JUDGE ALBERS: All right. Go ahead.

9 REDIRECT EXAMINATION

10 BY MS. SEGAL:

11 Q. Now, Mr. Murbarger, you were asked a series
12 of questions about whether certain things factor into
13 your analysis. Now, did your answer to these
14 questions pertain to what you personally analyzed or,
15 were you speaking on behalf of ATXI generally?

16 A. That's something I personally analyzed.
17 There is a lot of stuff going on in the background by
18 some other people, Mr. Hackman and other people
19 that -- and real estate and the environmentalists
20 that they do. The only thing I really look at is
21 constructability of the line.

22 Q. And Rural Clark and Edgar County asked you

1 about the Stop the Power Lines ultimate routes, and I
2 believe it's at Exhibit 16.3 in your rebuttal, and
3 it's page 8. Now you were asked whether it was the
4 least cost among the alternatives listed on this
5 page; is that correct?

6 A. That is correct.

7 Q. Now, will the shortest route generally be
8 the cheapest?

9 A. That is also always the case. The shortest
10 line will always be the cheapest, but there is other
11 things you have to look at rather than just the
12 shortest route. Not analyzing this at all as far as
13 constructability, this number is based on dollars per
14 mile. So if there is anything in the way that would
15 cause this to divert or a house or something in the
16 way that we might have to displace, then that cost
17 wouldn't be included in this cost.

18 Q. So are you generally able to build a line
19 just as the crow flies?

20 A. Not very often.

21 Q. So is it fair to say that the shortest is,
22 therefore, the cheapest line alternative is just

1 often not feasible?

2 A. That is true.

3 Q. Now, Mr. Gower asked you some questions,
4 and I believe he asked you if you looked at the route
5 from the ground. Did you drive along any of the
6 routes?

7 A. No, we did not.

8 Q. And you took a helicopter tour to survey
9 the areas, correct?

10 A. That is correct.

11 Q. Now, why did you take a helicopter as
12 opposed to driving the routes?

13 A. There was 380 miles to look at, and we
14 looked at the -- all the route in two days. It's the
15 most feasible way to see it.

16 Q. Now, is all of the route along this
17 approximate 375 miles visible from a public road?

18 A. No.

19 Q. So it's fair to say that there is a lot of
20 land along these routes that is private property?

21 A. That is correct.

22 Q. Now, you were asked when you learned about

1 when the federal government may object to the routing
2 of the floodplain easement. Do you remember that
3 question?

4 A. Yes.

5 Q. To your knowledge, has the federal
6 government intervened in this case?

7 A. I am not aware of any.

8 Q. Now, you were asked some questions about
9 lines going out in -- to affect a source of a
10 specific area.

11 A. Correct.

12 Q. Yes. And this is in the context of
13 parallel lines.

14 A. Okay.

15 Q. Now, is it the case that a line running
16 through any particular area only serves that area?

17 A. That's not always the case. It can serve
18 anywhere, but the planning folks could handle that,
19 answer that question. Mr. Hackman can answer that
20 question better than I.

21 MS. SEGAL: Thank you. I have no other
22 questions.

1 JUDGE ALBERS: Thank you. Before I forget
2 again, Mr. Gower, did you want to move for admission
3 of your cross exhibit?

4 MR. GOWER: Yes, sir. I move the admission of
5 STPL Cross Exhibit No. 1.

6 JUDGE ALBERS: Any objection?

7 (No response.)

8 JUDGE ALBERS: Hearing none, then it is
9 admitted.

10 (Whereupon, STPL Cross Exhibit
11 No. 1 was admitted into
12 evidence.)

13 JUDGE ALBERS: Is there any objection to
14 Mr. Murbarger's previously identified testimony?

15 MR. GOWER: I have a couple questions for
16 recross based on their redirect.

17 JUDGE ALBERS: All right. Go ahead.

18 RECROSS EXAMINATION

19 BY MR. GOWER:

20 Q. Mr. Murbarger, you were asked whether the
21 federal government has intervened in this case.

22 Do you track everybody that intervenes

1 in this case?

2 A. No, I do not.

3 Q. Have you contacted the federal -- have you
4 personally contacted the federal government to find
5 out how they feel about you using the -- ATXI trying
6 to use their federal floodplain easement property?

7 A. I have --

8 MS. SEGAL: Objection. That calls for facts
9 not in evidence. Yeah. The recommended rebuttal
10 route does not go through the floodplain easement.

11 JUDGE ALBERS: All right. Just for my own
12 clarification then, when it comes to this area, which
13 particular route is ATXI seeking to use now?

14 MS. SEGAL: This is the alternate route with
15 the modification.

16 JUDGE ALBERS: Okay. So the most current
17 version has got the modified route with the line
18 where it dips south and then back up north again?

19 MS. SEGAL: Correct.

20 JUDGE ALBERS: All right. So you are no longer
21 seeking to go straight across?

22 MS. SEGAL: Correct.

1 MR. GOWER: Okay. Your Honor, if I might, a
2 couple things. First, Mr. Hackman testified and
3 Ms. Murphy also testified that there were two
4 alternatives for addressing the floodplain easement
5 area in Clark County. One was to use the modified
6 route, the route to go down and around. The other
7 one was to string the line across it and never come
8 within 100 feet of the ground.

9 I'm a little perplexed, because that
10 uses the floodplain easement area. If that proposal
11 is withdrawn, that's fine, but let's put it on the
12 record.

13 JUDGE ALBERS: I recall similar testimony
14 that's why I asked for the clarification, so --

15 MS. SEGAL: I would just suggest that then the
16 appropriate witnesses to ask those questions would be
17 Ms. Murphy and Mr. Hackman.

18 MR. GOWER: I didn't open the door. I was just
19 following up on the questions that were asked
20 concerning the federal government and use of the
21 property.

22 JUDGE ALBERS: Well, I think the record

1 reflects who has intervened and who hasn't.

2 MR. GOWER: I'm sorry. Say that again?

3 JUDGE ALBERS: I think the record reflects who
4 has intervened and who hasn't and --

5 MR. GOWER: I will stop there. That's all
6 right. Point is made. Thank you.

7 JUDGE ALBERS: Nothing further, Mr. Gower?

8 MR. GOWER: Nothing further.

9 JUDGE ALBERS: All right. One more bite, like
10 a re-redirect, if you will?

11 MS. SEGAL: No.

12 JUDGE ALBERS: Any objections to
13 Mr. Murbarger's previously identified exhibits?

14 (No response.)

15 JUDGE ALBERS: Hearing none, then it's been a
16 while so I will list them. ATXI Exhibit 7.0, 7.1
17 through 7.3, 7.4 Revised; 16.0 Revised, 16.1 Revised,
18 16.2 and 16.3 Revised are admitted.

19 (Whereupon, ATXI Exhibit.

20 Nos 7.0, 7.1 through 7.3, 7.4

21 Revised; 16.0 Revised, 16.1

22 Revised, 16.2 and 16.3 Revised

1 were admitted into evidence.)

2 JUDGE ALBERS: All right. Thank you.

3 MR. DEARMONT: All right. Then ATXI will call
4 its next witness, Mr. Rick Trelz.

5 JUDGE YODER: Mr. Trelz, for the record, were
6 you previously sworn? Were you sworn as a witness?

7 THE WITNESS: Yes, I was.

8 RICK D. TRELZ,
9 having been first duly sworn, was examined and
10 testified as follows:

11 DIRECT EXAMINATION

12 BY MR. DEARMONT:

13 Q. Good morning. As you know, my name is Eric
14 Dearmont. I am counsel for ATXI. Will you please
15 state your name for the record?

16 A. My name is Rick D. Trelz.

17 Q. By whom are you employed and in what
18 capacity?

19 A. I am employed by Ameren Services as a real
20 estate supervisor.

21 Q. Are you the same Rick Trelz who prepared
22 and caused to be file in this proceeding on November

1 7th certain direct testimony labeled as ATXI
2 Exhibit 5.0?

3 A. Yes.

4 Q. Are you also sponsoring the attachments
5 thereto, labeled as ATXI Exhibits 5.1, 5.2, 5.3 and
6 5.5, which were also filed on November 7th and ATXI
7 Exhibit Second Revised 5.4, which was filed on May
8 6th, 2013?

9 A. Yes.

10 Q. Is the information contained in that
11 testimony and those exhibits true and accurate to the
12 best of your knowledge, information and belief?

13 A. Yes, it is.

14 Q. If asked the same questions as contained in
15 those testimonies today, would your answers be the
16 same?

17 A. Yes, they would.

18 Q. Were you also the same Rick Trelz -- excuse
19 me -- who prepared and caused to be filed in this
20 matter on May 6th, 2013 certain revised rebuttal
21 testimony labeled as ATXI Exhibit 15.0 Revised?

22 A. Yes.

1 Q. Is the information contained therein true
2 and accurate, to the best of your knowledge?

3 A. It is.

4 Q. Okay. And if asked today the same
5 questions as contained therein, would your answers be
6 the same?

7 A. Yes.

8 MR. DEARMONT: At this point, I would move for
9 the admission of ATXI Exhibits 5.0, 5.1, 5.2, 5.3,
10 5.4 Second Revised, 5.5 and also 15.0 Revised and
11 tender the witness for cross.

12 JUDGE YODER: Thank you. We will address
13 admissibility following cross. I believe ACPO has
14 reserved cross.

15 CROSS-EXAMINATION

16 BY MS. HIGHLANDER:

17 Q. Good morning. My name is Amanda
18 Highlander. I represent the Adams County Property
19 Owners, as well as the Louise Brock Limited
20 Partnership. My examination this morning will focus
21 on concerns that were raised by those property
22 owners.

1 Mr. Trelz, you have indicated in your
2 direct and rebuttal testimonies that you were
3 employed as a real estate supervisor for Ameren
4 Services Company; is that correct?

5 A. That is correct.

6 Q. And that you are an agent for ATXI?

7 A. That is correct.

8 Q. How long have you held this position, this
9 specific position, at Ameren Services?

10 A. I have been a real estate supervisor at
11 Ameren Services for nine years now.

12 Q. And would you please describe your duties?

13 A. Well, my current duties are to support the
14 ATXI project, which would include any real estate
15 services or right-of-way acquisition required.

16 Q. So your sole purpose at this time as far as
17 your work goes is to work on the Illinois Rivers
18 Project?

19 A. It is.

20 Q. Okay. And so can you tell me a little bit
21 about the work that you have done in furtherance of
22 this project?

1 A. A lot of the work I have done early on --
2 actually, I transitioned to full time work on the
3 ATXI project probably April of last year. So since
4 then a lot of my time has been spent doing the public
5 participation process. We held numerous meetings
6 throughout the state, and I attended a lot of them.
7 Also, we had a lot of meetings with the community
8 representatives, and I attended several of those as
9 well.

10 I also have been working with trying
11 to line up various contractors that will help support
12 us for this project once we get an approved route.
13 That would include surveying, appraisals, title work,
14 that type of thing.

15 Q. And should the CPNC (sic) be granted, what
16 will your duties include?

17 A. My duties will be to actually supervise and
18 oversee the right-of-way acquisition for this
19 project.

20 Q. And could you give me just a few more
21 specifics on what that will entail?

22 A. It would be -- I would have overall

1 responsibility for the agents who are out in the
2 field contacting landowners and negotiating property
3 rights. I would get involved with any kind of issues
4 that they weren't able to address. I may go out and
5 actually meet with landowners, that type of thing.

6 Q. So you supervise other agents who will go
7 out?

8 A. Yes. I will, yes.

9 Q. And you have worked at Ameren for 33 years;
10 is that correct?

11 A. I have worked at Ameren since 2004. Prior
12 to that, I worked for Illinois Power Company.

13 Q. Okay. Which was a predecessor interest to
14 Ameren; is that correct?

15 A. It is, yes.

16 Q. And prior to or during your employment with
17 Ameren, have you ever been employed as a farmer?

18 A. No, I have not.

19 Q. Okay. I would like to begin my substantive
20 questions with the number of structures that will
21 potentially be impacted on each of the routes.

22 Is it correct that you are familiar

1 with the estimated numbers of structures between the
2 Quincy -- between Quincy and Meredosia for that
3 section of the route?

4 A. I don't know the -- I don't know the
5 number. That would be something the transmission
6 line design would -- could provide. Maybe I'm not
7 understanding what you are asking.

8 Q. Let's see. In your -- my understanding is
9 that your -- you provided the response to ACPO's
10 request for calculations and estimates for real
11 estate rights-of-way?

12 A. Okay, yes.

13 Q. Okay. And so do you recall any of the
14 numbers that ATXI had established with regard to the
15 number of structures?

16 A. I believe for estimation purposes and
17 budget purposes the numbers that I used was 5.4, 5.5
18 structures per mile, and that was based on
19 discussions I had with Mr. Murbarger.

20 Q. And then that's for the segment only
21 between Quincy --

22 A. That's for the entire -- all the line

1 segments. That was just an average for cost estimate
2 purposes.

3 Q. So but between Quincy and Meredosia, do you
4 have any specifics for those particular segments?

5 A. No. They would have been the same numbers,
6 5.4.

7 Q. So we don't -- you do not have specific --

8 A. I don't have specifics. No, ma'am. I'm
9 sorry.

10 Q. So when giving the baseline costs that were
11 estimated for each section, you used the same
12 displacement -- for lack of a better term -- numbers
13 for each -- I'm sorry -- each acre or -- I'm sorry.
14 Each mile. I'm sorry. I'm sorry. You said 5.5?

15 A. 5.4, 5.5, yes.

16 Q. Per?

17 A. Per mile.

18 Q. Per mile. So did you use that estimate for
19 each segment, regardless of how many you knew to be
20 in that segment when calculating -- I'm sorry. I
21 know I am talking --

22 JUDGE YODER: When you are using, counsel, the

1 word "structure," what are you referring to, the
2 power lines or the farm buildings --

3 MS. HIGHLANDER: Oh, I'm sorry. Any buildings,
4 improvements upon the land having nothing to do with
5 the --

6 MR. YODER: I think we want to cross reference
7 back. Were you talking about structures --

8 BY THE WITNESS:

9 A. I was talking about the poles.

10 BY MS. HIGHLANDER:

11 Q. I'm so sorry. I'm sorry for not being
12 clear.

13 So to back up, when I am referring to
14 structures, I am referring to improvements upon the
15 land that were put there by private landowners.

16 A. Okay.

17 Q. Okay. So that makes much more sense now.
18 Thank you. So between the Quincy and Meredosia or in
19 that segment, are you aware of how many structures
20 are likely to be displaced?

21 A. No. Not specifically, no.

22 Q. Okay. Is anyone in ATXI or Ameren aware of
450

1 those numbers?

2 A. Not to my knowledge.

3 Q. So the numbers that are blacked out on
4 ACPO's 4.08 attachment that was provided by ATXI,
5 there are no numbers there?

6 A. Do you have an extra copy of that?

7 Q. May I approach?

8 MR. DEARMONT: I would object to the extent
9 that that mischaracterizes Mr. Trelz's testimony.
10 Maybe this could be cleared up in subsequent
11 questions?

12 JUDGE YODER: Well, approach the witness and
13 ask. I don't -- just as long as we are not talking
14 about confidential material that's blacked out.

15 MR. DEARMONT: And I believe we are, but
16 perhaps a question or two will help flesh this out.
17 So I object and then I guess --

18 MS. HIGHLANDER: My concern is not to gather
19 any confidential information, but rather in making a
20 comparison between the proposed routes, the idea that
21 the least amount of displacement is likely best,
22 because it would be cheaper. So I am curious as to

1 whether or not ATXI has those numbers and their
2 comparisons.

3 MR. DEARMONT: Sure. Again, I mean, that
4 perhaps assumes facts not in evidence. You can ask
5 him the questions, and I can follow-up with
6 subsequent objections, if necessary.

7 BY MS. HIGHLANDER:

8 Q. Well, Mr. Trelz, do you have those numbers?

9 A. I do not, no.

10 Q. Okay. All right. Mr. Trelz, many of the
11 intervenors, a lot of which are farmers, have raised
12 concerns regarding potential compensation for
13 interference with -- or for feared interference with
14 their farming operations and potential damage to
15 their crops. In your rebuttal testimony you have
16 indicated, it seems to me time and time again, that
17 if the presence of a line impacts the use, for
18 example, of aerial application, pivot irrigation, GPS
19 equipment or the planting and harvesting of crops,
20 and that impacts the fair market value of the
21 property, it's at that time and at only that time,
22 that ATXI will compensate the property owner for this

1 impact. Is that an accurate assessment?

2 A. No, not really. We will be getting
3 appraisals that will be produced by third party
4 independent appraisers, and they will be specific to
5 each property, and they will be based on current
6 market conditions.

7 Those appraisals will take into
8 consideration where the line is placed on the
9 property and how that impacts the value of the
10 property. Now, that will be the basis for our offer.
11 When we go out and meet with landowners once we have
12 more information, once we know what route is
13 approved, once we know somewhat what the preliminary
14 pole locations would be, then we will go out, meet
15 with the landowners, present the easement, talk about
16 the project, talk about the location of the easement
17 and the structures, that type of thing, and any
18 issues, any concerns that they might raise would be
19 addressed with them at that time.

20 There may be ways that the concern can
21 be mitigated or minimized through transmission line
22 design, pole placement, that type of thing.

1 ATXI is committed to working with all
2 landowners to fairly compensate them. So if there
3 are issues, and again, I don't know about them right
4 now. There is just not enough information, but if
5 there are issues that have some element of damage to
6 the landowner's ability to farm the ground or if it
7 minimizes crops in any way, ATXI will negotiate a
8 fair agreement with them.

9 Q. So my understanding then is that this fair
10 negotiation --

11 A. Ah-huh.

12 Q. -- it will take into account potential
13 further damage or crop loss? It's just -- I'm sorry.

14 A. What I would say is that ATXI will fairly
15 compensate the landowners for the impacts of the
16 easement and the transmission line upon their
17 property. Right now there is just not enough
18 information to get into any real specifics. Those
19 will be addressed on a case-by-case basis with each
20 landowner.

21 Q. But so it would be unfair to say that it --
22 the compensation will only come from impact on fair

1 market value of the property?

2 MR. DEARMONT: I will object. I think that
3 mischaracterizes his testimony, and this line has
4 been asked and answered twice now.

5 MS. HIGHLANDER: I am trying to clarify,
6 because in the rebuttal testimony it specifically
7 states that both -- there needs to be both an impact
8 provided by whatever farming operation is being
9 impacted and then also an effect on the fair market
10 value.

11 MR. DEARMONT: Again, can you provide us just
12 for clarity perhaps a page number or line
13 designation?

14 MS. HIGHLANDER: Sure. So first on page 6.

15 MR. FITZHENRY: Which testimony?

16 BY MS. HIGHLANDER:

17 Q. Of the rebuttal. And this is under the
18 question regarding aerial application. Line 124
19 specifically states, "If the presence of the
20 transmission line impacts the use of aerial
21 application, and if this impact has an effect on the
22 fair market value of the property, then this impact

1 will be reflected in the easement compensation
2 offer."

3 A. Okay. And if you continue to read on, it
4 also states that, "As stated above, potential aerial
5 application impacts are specific to each property and
6 will be discussed individually with landowners during
7 negotiations for the property rights being sought by
8 ATXI."

9 Q. I --

10 A. That is part of good faith negotiations is
11 to address landowners' concerns as best we can to
12 reach a fair agreement with them.

13 Q. Mr. Trelz, you are telling me that you will
14 address it. You are not saying to me that you will
15 compensate it, and that was my question.

16 A. If we can reach a reasonable agreement with
17 the landowner that is fair to both them and to ATXI,
18 we will do that.

19 Q. And whose standard will that -- who will
20 set that standard?

21 A. That would be my decision, as well as my
22 supervisor's maybe meeting with the landowner. Maybe

1 there is an expert witness we can bring -- you know,
2 an expert in that area that we can bring in to help
3 mediate the situation, someone who is an expert, say,
4 with aerial application of chemicals.

5 I mean, we will look for ways to work
6 with the landowners. Ameren has a very good track
7 record in reaching voluntary agreements with
8 landowners on recent transmission line projects, and
9 I anticipate that that same good track record will
10 continue on this project.

11 Q. Fair enough. With regard to soil
12 compaction, I assume that you are familiar with the
13 Agricultural Impact Mitigation Agreement?

14 A. Very much so, yes.

15 Q. Okay. My understanding is that for crop
16 land that will be impacted by construction,
17 18 inches -- tilling of 18 inches deep will be
18 provided to compact soil compaction -- I'm sorry --
19 to combat soil compaction. Is that accurate?

20 A. Yeah. You are referring to page 4 of 6 of
21 Exhibit 5.2 to my direct testimony?

22 Q. I do not have that at this moment, but I --

1 A. It states that the company -- unless the
2 landowner opts to do the restoration work -- will
3 chisel to a depth of 18 inches all crop land.

4 Q. Exactly. And my question with regard to
5 this chiseling, what if that is not adequate for the
6 quality of soil that a particular landowner has?

7 A. If that is not adequate, we will do it to
8 satisfy the landowner. I mean, we will work with the
9 landowner. If it needs to be deeper, it will be
10 deeper.

11 Q. Okay. In regard to calculation of the fair
12 market value, you mention that there was a potential
13 of bringing in experts and that potentially third
14 parties would be called in; is that correct?

15 A. That wasn't for the -- are you talking
16 about the appraisals?

17 Q. I am. I am.

18 A. No. I wouldn't bring in an expert to do an
19 appraisal for aerial application.

20 Q. Not just for aerial application, but --

21 A. Well, what specifically are you --

22 Q. For each property.

1 A. I am confused. Can you explain?

2 Q. Absolutely. So in stepping back from just
3 aerial application or GPS, anything specific like
4 that, whenever you go out to meet with a particular
5 landowner, what is the process for evaluating the
6 market value of their piece of property?

7 A. Well, when we go out to meet with the
8 landowner, we will already have a market value
9 opinion that was prepared by a third-party appraiser.
10 So the opinion of value is by an independent
11 third-party appraiser who is an expert in appraising
12 real estate who has studied the current market
13 conditions in the specific project area, and has
14 provided an opinion of value for each specific parcel
15 that is being crossed by the line.

16 Q. And the company or individual who provides
17 that appraisal, that will be at -- that person or
18 company will be hired by ATXI?

19 A. Are you asking if the person doing the
20 appraisal will be paid --

21 Q. By ATXI.

22 A. Yes, they will.

1 Q. And about how many parcels of land do we
2 estimate they will appraise?

3 A. It depends on which route gets approved.
4 So it depends on how -- once we get an approved
5 route, we will know the number of parcels. So we
6 will be able to answer at that time.

7 Q. Do you believe that the same company or
8 individual will be retained to do all of that work?

9 A. We actually have two firms, two large
10 appraisal firms. They specialize in doing large
11 linear projects such as this, and they have done
12 projects, believe it or not, longer than this one.
13 So I have the utmost confidence that they can handle
14 it, yes.

15 Q. I would like to clarify some estimates that
16 you reference in your direct testimony, particularly
17 on page 10. You indicate that only 1.55 acres of
18 actual farmland will be taken out of production, and
19 I am curious as to what this estimate is, if it's a
20 footprint of the structures? Would that be accurate?

21 A. It is. It is the actual footprint of the
22 concrete foundation that supports the structures.

1 Q. So no matter what line is chosen --

2 A. This is for the primary route.

3 Q. Is this the primary only?

4 A. Yeah. If you read it, it says it's for the
5 primary route.

6 Q. So do you have any other estimates for the
7 alternative route or any of the hybrid routes that we
8 have discussed or that have been discussed?

9 A. No. I haven't provided any, but I could.

10 Q. Okay.

11 A. I think -- you know, I think the point
12 being made in the testimony is that on the primary
13 that was originally submitted, there are 6,000 --
14 almost 6,800 acres that are going to be involved
15 within the easement strip of that. Almost 4,500 is
16 agricultural acres and only a little over an acre and
17 a half is going to be permanently removed from
18 cropland production.

19 Q. All right. Thank you. After Mr. Murbarger
20 testified, ATXI Exhibit 16.3 was admitted into
21 evidence. This is the baseline cost estimate for the
22 particular routes between Quincy and Meredosia, and I

1 am just curious as to the numbers that are reflected
2 there.

3 Do they include the negotiate -- what
4 you would consider the negotiated cost to acquire all
5 the property or the cost using eminent domain?

6 A. I did not provide any numbers to
7 Mr. Murbarger. So you would have to ask him that
8 question.

9 Q. The reason that I am asking is because he
10 actually said that it was you who provided those
11 numbers.

12 A. I provided numbers for the different line
13 segments and the different routes in the original --
14 for the original filing of the petition in November.
15 I didn't provide any additional numbers for any of
16 these stipulated or hybrid routes.

17 MS. HIGHLANDER: Okay. I have no further
18 questions. Thank you.

19 JUDGE YODER: Thank you. We have -- IAA has
20 reserved cross.

21

22

1 CROSS-EXAMINATION

2 BY MS. HARMON:

3 Q. Mr. Trelz, I am Laura Harmon, and I am an
4 attorney for the Illinois Farm Bureau. I just have a
5 few follow-up questions regarding compensating
6 farmers for impact to their farming operations based
7 upon your filed testimony.

8 If as a result of the transmission
9 line there is an increased cost to farm that is not
10 reflected in the fair market value of their property,
11 will Ameren compensate farmers for those increased
12 costs?

13 MR. DEARMONT: I am going to --

14 BY THE WITNESS:

15 A. Could you be more specific, please? That's
16 a very broad statement.

17 BY MS. HARMON:

18 Q. If the location of your line increases
19 their cost to apply fertilizer? For example, if they
20 are not able to use aerial application or a cheaper
21 method to apply fertilizer so it increased their cost
22 to farm, will Ameren compensate farmers for those

1 increased costs?

2 A. Well, we will certainly have those
3 discussions with the farmers when we go out to meet
4 with them, but I have had other transmission projects
5 that I have worked on and farmers have raised similar
6 issues early on, but once they have seen the offers
7 of compensation that Ameren is making to them, it
8 becomes apparent to them that they are being
9 compensated for any of these inconveniences, if I
10 might call them, that you mentioned.

11 If they have specific concerns and
12 issues, we will definitely consider them seriously.
13 There may be ways, as stated earlier, that those
14 concerns and issues can be mitigated or minimized
15 through the slight movement of the structures, that
16 type of thing. But the bottom line is that ATXI will
17 work with landowners, will address their issues and
18 concerns during negotiations, and we are committed to
19 fairly compensating them for the property rights and
20 the impact that the line has on their property.

21 Q. With respect to the fair market value and
22 appraisal process, any increased costs that the

1 farmer may incur as a result of the line, are those
2 included in the fair market value appraisal that's
3 prepared by your third-party appraiser?

4 A. I don't believe our appraisers take that
5 into consideration. They are strictly looking at the
6 current market data, the recent sales data, that type
7 of thing, and they are basically taking that
8 information, developing -- sort of getting an idea of
9 what property is selling for in a particular area and
10 then applying that to the specific property that they
11 are appraising.

12 Q. Based upon the right-of-way?

13 A. Based upon the right-of-way and where the
14 right-of-way is in relation to the property, that
15 type of thing, yes.

16 Q. And with respect to crop loss, you
17 typically will compensate the farmer for crop loss,
18 correct?

19 A. Oh, yes. Yes. I mean, we have had a very
20 good working relationship with farmers. I mean, we
21 want to treat them with respect. We want to be fair
22 to them, because we know at some point in the future

1 we are going to have to come back out there and maybe
2 do some maintenance. So we try to be a good
3 neighbor. We are going to treat them fairly, and we
4 are going to pay them for any damages that we cause
5 including compaction, rutting, anything like that,
6 and it's well-documented in the Agricultural Impact
7 Mitigation Agreement.

8 It covers a lot of items, one being,
9 you know, the use of self-supporting steel poles;
10 two, the procedure for which drainage tile will be
11 repaired; three, it addresses property damage. It
12 also addresses soil erosion. It addresses providing
13 advanced access notice to landowners. So there is a
14 lot of issues that farmers might have that are
15 covered in that agreement.

16 Q. And with respect to the AIMA, the
17 Agricultural Impact Mitigation Agreement, which is
18 Exhibit 5.2 to your testimony, that agreement is
19 between Ameren and the Illinois Department of
20 Agriculture, correct?

21 A. Yes. It's between Ameren Transmission
22 Company of Illinois and the Illinois Department of

1 Agriculture.

2 Q. And as part of your -- Ameren's easement
3 negotiation processes, do you include and incorporate
4 this agreement into your easements with each farmer?

5 A. We do not actually include the agreement,
6 but we have made reference to it in the easement
7 documents themselves.

8 MS. HARMON: I have nothing further.

9 JUDGE YODER: Thank you. MCPO. No cross?
10 Okay. Rural Clark and Edgar County Concerned
11 Citizens.

12 CROSS-EXAMINATION

13 BY MR. MORAN:

14 Q. Mr. Trelz, my name is Bill Moran. I
15 represent Rural Clark and Edgar County Concerned
16 Citizens. I am here with my co-counsel, Joe
17 Schroeder. My questions at the start have to do with
18 the process, and I understand originally that the
19 appraisers go out. They appraise the land at its
20 highest and best use, and provide that appraisal to
21 ATXI; is that correct?

22 A. That is correct.

1 Q. And then you take that appraisal and either
2 send it to the landowners or you meet with the
3 landowners?

4 A. Yeah. We will typically want to meet with
5 them. We will actually take that appraisal, and we
6 will actually -- we will actually prepare what we
7 call a compensation offer sheet that outlines the
8 compensation being offered, and the appraisal is
9 provided to them as backup to support that, yes.

10 Q. And then you testified that recently in a
11 number of projects you have had a good track record
12 as far as coming to agreements with property owners?

13 A. That is correct.

14 Q. Could you define good track record as a
15 percentage of --

16 A. Well, the project I have worked on -- I
17 have worked on two recent projects. The most recent
18 one was up in Macon County. It involved a
19 construction -- actually involved the acquisition of
20 easements for the construction of a 345 kV line
21 similar or exactly like what we are talking about in
22 this proceeding, 150-foot wide easements

1 predominantly extending across agricultural
2 properties. We were able to get every one of those
3 easements signed on a voluntary basis, and we got it
4 done rather quickly.

5 Q. And how long was that project?

6 A. It was only nine miles long, but it was 48
7 landowners and I only had two agents working on it.

8 Q. And in this situation we have a 370 --
9 375-mile stretch?

10 A. Yes.

11 Q. And so have you done any estimation or
12 tried to do some calculations about people that are
13 going to be out there that aren't going to accept
14 what your offer is no matter what it is?

15 A. We have. My supervisor and I talked about
16 that, and in -- you know, we did come up with some
17 estimation, and it is included in some of the -- it
18 is included in the cost estimates for the various
19 line segments. It's a contingency cost that was
20 redacted in what was provided in certain data
21 requests. Yes, we have looked at that.

22 Q. Do you have any idea of what that

1 percentage is going to be?

2 A. That was -- as I recall, I think we -- what
3 we did, it was a two-part process. We figured that
4 there would be a certain percentage of landowners who
5 would require some level of cost associated with
6 starting condemnation proceedings that would settle
7 prior to going to full trial and in there would be
8 some percentage that would hold out until after a
9 trial.

10 Q. And in this case, this is an expedited
11 proceeding?

12 A. It is.

13 Q. When it comes to the condemnation or
14 eminent domain phase, is there expedition there as
15 far as moving those cases forward?

16 A. I believe that's -- as I understand it, it
17 is under an expedited process, but that's really a
18 legal question.

19 Q. But one of the places in your testimony
20 said that there is going to be a 45-day window --

21 A. Yes.

22 Q. -- to get those matters resolved?

1 A. Well, that's in the -- that's in my
2 rebuttal -- are you talking about my rebuttal
3 testimony?

4 Q. Sure.

5 A. Okay. Can you show me where you are
6 talking about?

7 Q. Oh, boy. I thought you would ask that.

8 MR. FITZHENRY: It's page 3.

9 BY MR. MORAN:

10 Q. Thank you. Page 3. And it looks like
11 about lines 58 and 59.

12 A. Okay. On that page, on those lines, the
13 45-day period is referring to the period of time that
14 the Illinois Commerce Commission would have to make a
15 ruling on ATXI's petition seeking authorization to
16 use eminent domain authority.

17 Q. So once that -- if it's granted, and I
18 would take it that that would probably be an easy
19 question, then it goes into the regular eminent
20 domain process?

21 A. So you are asking me to describe how
22 legally it happens?

1 Q. No, not --

2 A. Okay.

3 Q. Just that it moves to the eminent domain
4 process, and then there is no requirement that it be
5 decided on an expedited basis?

6 MR. DEARMONT: I would object to the extent
7 that calls for a legal conclusion, but to the extent
8 that you know, please answer.

9 BY THE WITNESS:

10 A. Once we get the authorization to use
11 eminent domain -- and I might add that during that
12 whole time -- I mean, during the time when we are
13 filing for eminent domain we are continuing to
14 negotiate for these landowners to try and reach
15 voluntarily agreements, but once we get the right to
16 utilize eminent domain authority, then our outside
17 legal counsel, as I understand, they will file
18 condemnation lawsuits in each of the counties where
19 the unsecured properties reside, and then at that
20 point, it would be scheduled to the circuit courts.

21 BY MR. MORAN:

22 Q. As far as the deadlines are concerned in

1 this case of 2016 and 2018, has the eminent domain
2 process been worked into those deadlines, if you
3 know?

4 A. Yes. I mean, we have looked at that, and
5 we are planning. You know, we have to plan around
6 all of those things. So we believe we have looked at
7 that issue as well as any resource issues that we
8 might need, any additional employees or consultants
9 that we might need to help us to meet our goals.

10 Q. Is that a serious threat to the timely
11 completion of this project?

12 A. No, not in my opinion, no.

13 Q. Why not?

14 A. Because I think we can get it done in the
15 time frame that we have stated.

16 Q. As far as businesses being closed or
17 relocated, in your rebuttal testimony lines 198 to
18 202 you state, "If the final route approved by the
19 Commission in this proceeding impacts property that
20 is being used for private business purposes such as
21 the ones identified above, then a determination would
22 be made as to whether the placement of the

1 transmission line requires the closure or relocation
2 of said business. If so, ATXI would seek a
3 reasonable agreement with the business owner that
4 fairly compensates them."

5 What are the factors that you would
6 use in determining whether a closure of a private
7 business or a relocation is necessitated by the
8 transmission line?

9 A. Well, obviously I'm not an expert in
10 closures of business.

11 I mean, I would have to bring in some
12 sort of outside expert to help us to make that
13 determination. I mean, that's kind of an extreme
14 there, a closing of a business. I think there is
15 enough flexibility in the line design process that we
16 can work around that, but if it did come down to a
17 question, you know, where the landowner thinks that
18 the business can no longer exist or needs to be
19 relocated, then I would seek the advice of someone
20 who is an expert in that area.

21 Q. In one of the examples, one of our clients
22 has an RLA, or restricted landing area, either

1 planned or in existence. And I think it's pretty
2 standard knowledge that planes and power lines don't
3 mix real well. And so if it was decided that an RLA
4 needed to be moved or closed, how would that person
5 be compensated for that?

6 A. It would be a negotiation process with that
7 person. I mean, we would want to fairly compensate
8 them. I mean there are other -- I mean, we'd have to
9 look. What else could be done? Can the airstrip be
10 located somewhere else? Can it be located a
11 different way? Should -- and ATXI would probably pay
12 those costs, but right now there is just not enough
13 information available to provide a specific answer.

14 Q. The one specific estimate that we provided
15 related to a tract of land that was forested and was
16 used for recreation, and it's mentioned in your
17 rebuttal testimony on line 312 and then footnote 6.
18 In footnote 6 it says, "The only document that my
19 client, RCECCC, provides in discovery is a letter
20 purportedly valuing trees on one landowner's
21 property. This document, however, does not provide
22 calculations, describe the methodology used or show

1 how the value of the trees was determined. Further,
2 the appraisal does not reflect the commercial market
3 value of the trees, but instead is based on
4 replacement costs, species, condition, longevity and
5 location."

6 When you stated the "commercial market
7 value of the trees," what did you mean by that
8 phrase?

9 A. That would be the value that the trees
10 would have if someone wants to come in and log them,
11 take them to the -- a lumberyard mill and, you know,
12 have them milled into boards and that type of thing.

13 Oftentimes, people sell trees to
14 logging companies that come in and harvest the trees,
15 certain hardwood trees.

16 Q. In this case, though, the landowner said
17 some of these trees were 150 years old, and the land
18 was used for recreational purposes; is that correct?

19 A. I believe that's what he said, yes.

20 Q. How would you compensate him for the loss
21 of the use of a recreational tract of forest on his
22 land?

1 A. Well, in Illinois, I think valuing timber
2 on land, there is a legal precedence for how it's to
3 be done. Again, that would be for legal
4 interpretation, but as I understand it -- and the way
5 that the letter appraisal did it was wrong. What
6 should happen in a letter appraisal -- this person
7 provided an opinion of the trees separately from the
8 land.

9 When you do an appraisal that contains
10 timber, it should -- the land should be valued as
11 land, and the trees -- there should be a value
12 attributed to the land based on the presence of the
13 trees. It shouldn't be valued separately and then
14 added together.

15 Q. But the recreational use of the forested
16 land isn't taken into consideration. It's just what
17 those trees are worth on a commercial basis if they
18 are cut up and sold as lumber?

19 A. Yeah. And our appraiser is going to take a
20 look at the recreation area that you describe. Right
21 now I haven't seen it. There's not enough
22 information for me to really specifically address it,

1 but our appraisers will go out and will look at each
2 individual property, and those appraisals will be
3 specific to each property.

4 MR. MORAN: No further questions.

5 JUDGE YODER: Thank you. Mr. Gower?

6 CROSS-EXAMINATION

7 BY MR. GOWER:

8 Q. Mr. Trelz, my name is Ed Gower. I
9 represent -- in Clark County. I represent Tarble
10 Limestone Enterprises and JDL Broadcasting, and my
11 questions are going to focus on the federal
12 floodplain easement in Clark County on the primary
13 route line.

14 Do you still -- I asked Mr. Murbarger
15 to leave it there with you. Do you have a copy of --

16 A. I set it on the floor here. I have got it.

17 Q. All right -- a copy of STPL Cross
18 Exhibit 1. It says it at the very bottom.

19 A. Yes, I see it.

20 Q. Were you involved in the development of the
21 modified route in Clark County to avoid the federal
22 floodplain easement area?

1 A. I believe I participated on what we would
2 call like a webinar where we were able to look at it
3 on our computer. It's like a GIS system that we show
4 on our computer and we had discussions.

5 Q. And when did those discussions take place,
6 if you recall?

7 A. I don't really recall. It was probably --
8 probably a month or so ago.

9 Q. Do you recall who else was on that webinar?

10 A. I know Ms. Murphy was on there. I believe
11 Mr. Murbarger was on there, and Mr. Hackman may have
12 been on there. I don't recall.

13 Q. And please tell me what was discussed in
14 that webinar.

15 A. Well, as I recall, I mean, we were just
16 looking at the area where this floodplain easement
17 exists, and looking at potential ways to deal with
18 that. One of the ideas was to look at actually
19 routing around it. And from my perspective, I was
20 just looking at real estate issues, and I see no
21 problem from a real estate perspective in the
22 proposed modified of the routing around it.

1 Q. Was your -- was your involvement limited to
2 the real estate aspects of the proposed modified
3 route?

4 A. Yes. That's what I do, real estate.

5 Q. And did you get involved at all in any
6 discussion about crossing the floodplain area with
7 transmission lines strung 100 -- so that it wouldn't
8 sag less than 100 feet below the ground?

9 A. No, I did not.

10 Q. Was that discussed in that webinar?

11 A. Not that I recall, no.

12 Q. And when you said you didn't see a problem
13 with what I would -- when I talk about the modified
14 route, do you understand me to be talking about the V
15 that goes around the floodplain area?

16 A. Yes, I do.

17 Q. And when you said that you didn't see any
18 problem with the modified route from a real estate
19 perspective, what was the basis for that conclusion?

20 A. It didn't appear that it would be difficult
21 to acquire the easements. I mean, it's -- you know,
22 it's just a slight reroute, just a little jog in the

1 line.

2 Q. Did you check to see who the landowners
3 were that would be potentially effected by the
4 modified route?

5 A. No, I did not.

6 Q. Do you know whether anyone did that for
7 ATXI?

8 A. I have no knowledge of that. I don't know.

9 Q. Earlier and I -- if I mischaracterized your
10 testimony, I'm sure you will straighten me out, but I
11 recall you saying that you had general responsibility
12 for the real estate aspects of this project; is that
13 correct?

14 A. Yes.

15 Q. And were you responsible in such that when
16 you started working on the project full time in April
17 of 2012, were you responsible for checking to
18 identify the landowners who would be potentially
19 effected by the primary or the alternate route?

20 A. Not in April. My responsibility was to --
21 I directed and supervised some employees at ERM who
22 were assisting me. There were real estate

1 professionals who were assisting me, and at my
2 direction and under my supervision they were
3 requested to provide the landowner lists that were
4 provided as -- I believe it's one of my exhibits.
5 It's Exhibit 5.4.

6 Q. Okay. Did -- during the course of that
7 review, did it come to your attention that the
8 federal government owned a floodplain easement in
9 Clark County?

10 A. No, not to my knowledge.

11 Q. When did you become aware of that?

12 A. I did receive a call one time from a fellow
13 named Dave Hyatt, and I called -- I wasn't in the
14 office that day, but I called him back. That was
15 probably sometime in mid to late September. I was at
16 one of the public open houses during the third phase.
17 I called Mr. Hyatt back and we discussed it on the
18 telephone there.

19 Q. Okay. Can you tell me what you discussed
20 with Mr. Hyatt?

21 A. He just brought to my attention that he
22 felt that there was an easement that might affect our

1 primary route, and he wanted to know who he could
2 talk to about it, and I told him that I thought the
3 appropriate person to talk to would be Ms. Murphy.
4 So I provided Ms. Murphy with his name and phone
5 number and asked her to contact him.

6 Q. And do you know whether Ms. Murphy
7 contacted Mr. Hyatt or not?

8 A. I do not.

9 Q. Did you receive a copy of an e-mail that
10 Mr. Hyatt sent to Lee Morris of Ameren in October of
11 2012 expressing concern that the project was -- the
12 primary route in Clark County was proposed to cross
13 the federal floodplain easement?

14 A. I did not receive an e-mail, no.

15 MR. GOWER: Those are all the questions I have.
16 Thank you.

17 THE WITNESS: Thank you.

18 MR. DEARMONT: Do you want to give us just
19 about two or three minutes? Thank you.

20 JUDGE YODER: Off the record for a minute.

21 (Whereupon, a short break was
22 taken.)

1 MR. DEARMONT: Thank you for the indulgence.

2 ATXI has no questions on redirect.

3 JUDGE YODER: Thank you then. Is there any
4 objection to the admission of Mr. Trelz's direct and
5 rebuttal testimony as identified, with the revised
6 portions that were previously identified?

7 (No response.)

8 MR. YODER: Hearing none, his testimony will be
9 admitted into evidence in this docket. Thank you,
10 Mr. Trelz.

11 THE WITNESS: Thank you.

12 (Whereupon, ATXI Exhibits 5.0,
13 5.1, 5.2, 5.3, 5.4 Second
14 Revised, 5.5 and 15.0 Revised
15 were admitted into evidence.)

16 MR. YODER: We are close enough to noon. We
17 might as well break now. We will come back at 1:30.

18 MR. SKEY: I just wanted to make a
19 clarification. At least on the schedule that we have
20 and I have here, it indicates that ATXI witness
21 Mr. Dwyer is scheduled for cross-examination, and it
22 lists the Nature Conservancy, although it indicates

1 zero minutes of cross time. I'm not sure what that
2 all is meant to mean, but we are -- we don't have any
3 cross for Mr. Dwyer.

4 JUDGE YODER: Thank you. Our latest schedule
5 shows that there is cross reserved for Mr.
6 Bergeschneider and Mr. Dodsworth, both witnesses from
7 the Morgan, Sangamon and Scott Counties Land
8 Preservation Group.

9 MR. WILSON: Your Honor, I represent Morgan and
10 Sangamon Counties Landowners and Tenant Farmers. I
11 believe Mr. Dodsworth should have been taken off the
12 witness list as we indicated yesterday.

13 MR. STURTEVANT: Yeah. I'm not sure that
14 the -- that you have an updated list, but we have no
15 cross either for Dodsworth, just for Bergeschneider,
16 and I believe also we can cross off Mr. Steve Rhea,
17 who is a little bit -- he is Thursday, I think, and
18 we don't have any cross for him either.

19 MR. WILSON: Right. I have Mr. Bergeschneider,
20 but I reserved 15 minutes. I doubt it takes that
21 long.

22 JUDGE ALBERS: Okay. Well, that's good. Then

1 we won't be here very long.

2 No ATXI cross for Bergeschneider?

3 MR. STURTEVANT: No. We do have some, as
4 potentially if there is anything left to ask after
5 Mr. Wilson is done.

6 JUDGE YODER: All right. With that
7 understanding, we will adjourn until 1:30.

8 (Whereupon, a lunch break was
9 taken.)

10 JUDGE ALBERS: All right. Let's go ahead and
11 resume. We're back on the record.

12 The next witness for today is
13 Mr. Copeland. Mr. Copeland, if you would like to
14 come to the stand for a minute, please. I understand
15 that there is no cross-examination for Mr. Copeland
16 regarding the previously submitted testimony.

17 RICK COPELAND,
18 having been first duly sworn, was examined and
19 testified as follows:

20 EXAMINATION

21 BY JUDGE ALBERS:

22 Q. Mr. Copeland, you were sworn in earlier

1 today?

2 A. Yes.

3 Q. I am going to ask you a series of questions
4 regarding your testimony just to walk you through the
5 process of admitting it or offering it for admission.

6 Did you previously submit three pages
7 of testimony that we will mark as Copeland Exhibit 1?

8 A. Yes, I did.

9 Q. Do you have any changes or corrections to
10 those?

11 A. No.

12 Q. And attached to that Copeland Exhibit 1
13 there were several statements that I will identify
14 individually here. Exhibit 1.1, was a statement from
15 Pamela Copeland?

16 A. Yes.

17 Q. We will mark as Exhibit 1.2 a statement
18 from -- all right.

19 UNIDENTIFIED SPEAKER: We can't hear anything
20 back here in Chicago.

21 (Whereupon, a discussion was had
22 off the record.)

1 BY JUDGE ALBERS:

2 Q. And back up for a minute. We will mark as
3 Exhibit 1.2 a statement from -- I assume that's
4 yourself, Mr. Rick Copeland?

5 A. Yes.

6 Q. One and the same?

7 A. Yes.

8 Q. And as Exhibit 1.3, a four-page statement
9 from Kendra Warren and Joseph Warren?

10 A. Yes.

11 Q. And as 1.4, a three-page statement from
12 Katie Copeland?

13 A. Yes, sir.

14 Q. Okay. And then also as reflected on
15 e-Docket, there are four attachments to that direct
16 testimony; is that correct?

17 A. Yes.

18 Q. Do you have any corrections to any of those
19 Exhibits 1.1 through 1.4 or the four attachments?

20 A. No, I do not.

21 Q. Okay. Is it your intention that this be
22 admitted into the record today?

1 A. Yes, I do.

2 JUDGE ALBERS: Does anybody have any objections
3 to the admission of any of these exhibits?

4 (No response.)

5 JUDGE ALBERS: Hearing no objection, then they
6 are admitted. Thank you, Mr. Copeland.

7 (Whereupon, Copeland Exhibit
8 Nos. 1.1-1.4 with four
9 attachments were admitted into
10 evidence.)

11 THE WITNESS: Thank you.

12 JUDGE ALBERS: James Dwyer, would you want to
13 take care of him now since there is no questions for
14 him or --

15 MR. STURTEVANT: I don't know that we have his
16 affidavit filed yet, but I am happy to move the --
17 put his testimony into the record. I think his
18 affidavit will be on file either today or tomorrow.

19 JUDGE ALBERS: Okay. All right. Go ahead,
20 Mr. Sturtevant.

21 MR. STURTEVANT: Actually, your Honor, I will
22 refer to what has been previously marked and filed on

1 e-Docket as ATXI Exhibit 18.0, the Rebuttal Testimony
2 of James F. Dwyer, Company Exhibit 18.1, and that
3 rebuttal testimony exhibit is supported by
4 Mr. Dwyer's affidavit, which we marked as ATXI
5 Exhibit 18.2, and we would move for the admission of
6 that rebuttal testimony and exhibit at this time.

7 JUDGE ALBERS: Any objection?

8 (No response.)

9 JUDGE ALBERS: Hearing none, then the exhibits
10 are admitted.

11 (Whereupon, ATXI Exhibit No.
12 18.0-18.2 were admitted into
13 evidence.)

14 JUDGE ALBERS: Next on our list is Mr. Paul
15 Burgeschneider.

16 Mr. Bergeschneider, you were
17 previously sworn in this morning?

18 THE WITNESS: Yes.

19 MR. McNAMARA: Do you need a copy of his
20 testimony?

21 JUDGE ALBERS: I have one.

22

1 PAUL BERGESCHNEIDER,
2 having been first duly sworn, was examined and
3 testified as follows:

4 DIRECT EXAMINATION

5 BY MR. McNAMARA:

6 Q. Mr. Bergeschneider, I am handing you what
7 was previously marked as your direct testimony,
8 intervener --

9 JUDGE ALBERS: Mr. McNamara, could you stand
10 close to a microphone?

11 BY MR. McNAMARA:

12 Q. I'll sit by it.

13 Mr. Bergeschneider, I have handed you
14 what was previously marked as intervener Morgan,
15 Sangamon, Scott Land Preservation Group Exhibit
16 No. 1. Do you have that in front of you?

17 A. Yes.

18 Q. And I have also handed you an intervener --
19 the same Intervener Exhibit No. 4. Do you have that
20 in front of you?

21 A. Yes.

22 Q. If I were to ask you the same questions as

1 are set forth in Intervener's Exhibits 1 and 2 -- or
2 1 and 4, excuse me, would the answers be the same?

3 A. Yes.

4 Q. Are the answers in Intervener's Exhibits 1
5 and 4 true and correct?

6 A. Yes.

7 MR. McNAMARA: I would move for the admission
8 of Intervener Morgan Sangamon Scott Land Preservation
9 Group Exhibits 1 and 4 into evidence.

10 JUDGE ALBERS: Okay. Questioning for Mr.
11 Bergeschneider?

12 MR. STURTEVANT: I believe we do. I think
13 Mr. Wilson was going to commence, go first.

14 CROSS-EXAMINATION

15 BY MR. WILSON:

16 Q. Hello, Mr. Bergeschneider. My name is Brad
17 Wilson. I represent the Morgan and Sangamon County
18 Landowners and Tenant Farmers. How are you doing
19 today?

20 A. Fine.

21 Q. I want to ask you a few questions about
22 your direct testimony. Do you still have that

1 document in front of you?

2 A. Yes.

3 Q. I'd ask you to please turn to page 3, line
4 51.

5 A. Okay.

6 Q. Do you see where you state, "The proposed
7 alternate route would compromise not only the
8 integrity and viability of the land itself, but also
9 jeopardize existing and heavily relied upon farming
10 methods, as well as present environmental and safety
11 concerns to the area."

12 A. Yes.

13 Q. Okay. With respect to your assertion that
14 the proposed alternate route "would compromise not
15 only the integrity and viability of the land
16 itself" -- I want to focus on that statement -- the
17 Morgan, Sangamon and Scott Counties Land Preservation
18 Group did not conduct any studies or analyses which
19 support that assertion, did they?

20 A. I don't understand the question.

21 Q. Okay. You are here testifying, and you
22 represent the Morgan and Sangamon and Scott Counties

1 Land Preservation Group?

2 A. Correct.

3 Q. I am just going to refer to that simply as
4 your group.

5 A. Okay.

6 Q. Your group did not conduct any studies or
7 analysis which showed that the proposed alternate
8 route would compromise the integrity and viability of
9 the land on the alternate route, did it?

10 A. Yes. We have analyzed. Individually as
11 members of the group, we each analyzed how this route
12 would effect our individual properties.

13 Q. I am talking about a formal study. Did you
14 have any sort of formal study commissioned?

15 A. You mean as in paying an outside third
16 person to conduct a study?

17 Q. Yes, sir.

18 A. No, we did not.

19 Q. Okay. With respect to your assertion that
20 the proposed alternate route would jeopardize
21 existing and heavily relied upon farming methods,
22 again, your group did not conduct or have a third

1 party conduct a formal study or analysis which
2 supports that conclusion, correct?

3 A. We made that statement replying upon
4 talking to -- probably two -- there are two main
5 items in that we talked about. One would be tiling.
6 We talked to tile -- people who put tiling into farms
7 to drain them. That would be one person we talked to
8 for that, and the other one would be for -- that we
9 talked about before here in the hearing, the GPS
10 systems. We talked to some people for that as well.

11 Q. Okay. Well, I'm not talking about informal
12 conversations. I am talking about formal studies.
13 You hired an independent consultant. They came in
14 and did a formal analysis and prepared a written
15 report.

16 A. We did not do that.

17 Q. Okay. You would agree that if the
18 Commission were to find that the Meredosia to Pawnee
19 segment of this project -- if the Commission were to
20 find that that portion should be placed along the
21 primary route, the same sort of impact regarding
22 farming methods that you are referencing in your

1 direct testimony would be present with respect to
2 those individuals who farm land located along the
3 primary route, correct?

4 A. Correct.

5 Q. I am going to go back. Any impact on the
6 viability of the land along the alternate route that
7 would incur if the Commission were to place the
8 project on the -- that's a poorly phrased question.
9 Let me start over again.

10 JUDGE ALBERS: Mr. Wilson, is your microphone
11 on or can you get the light lit up on the --

12 (Whereupon, a discussion was had
13 off the record.)

14 BY MR. WILSON:

15 Q. Earlier you testified that you thought that
16 the alternate route would compromise the viability of
17 the land along the alternate route, correct?

18 A. Correct.

19 Q. And you would agree that if the project
20 were placed along the primary route, the viability of
21 that land would be compromised to the same extent
22 that the viability of the land along the alternate

1 route would be compromised?

2 A. I would not agree to the same extent,
3 because the primary route is several miles shorter
4 than the alternative route. So there would be less
5 total impact. From the area from Meredosia to
6 Pawnee, there would be less total impact with the
7 primary route, as there would also with the
8 alternative route that your group has proposed as
9 well, because it is shorter.

10 Q. Looking at this from an individual farm
11 perspective, the impact would be the same, correct?

12 A. If you would specifically pick out a one,
13 80-acre tract of land, yes. But for the whole of the
14 state, I disagree with that.

15 Q. All right. You have also asserted that the
16 proposed alternate route would present environmental
17 and safety concerns. Do you see that on page 3 of
18 your direct testimony?

19 MR. McNAMARA: Which lines, please?

20 BY THE WITNESS:

21 A. Are you referring to 53 and 54?

22

1 BY MR. WILSON:

2 Q. Yes, starting -- yes. Page 3, lines 53 and
3 54. And you suggest that placing the project along
4 the alternate route would present environmental and
5 safety concerns to the area?

6 A. Correct.

7 Q. Okay. It would be accurate to say that the
8 Morgan and Sangamon and Scott County Land
9 Preservation Group did not have any formal analysis
10 or study conducted by an independent third party,
11 which would support that conclusion, correct?

12 A. Correct.

13 Q. Now, assuming for the sake of the argument
14 that putting the project along the primary route --
15 or excuse me. Assuming for the sake of argument that
16 putting the project along the proposed alternate
17 route would result in environmental and safety
18 concerns to the alternate route, the same would be
19 true with respect to the primary route, should the
20 Commission decide to place the project there,
21 correct?

22 A. Again, I disagree. The alternate route is

1 longer than the primary route, so the total effect
2 between the two towns is less. On each individual
3 tract of land, yes. I mean, if there is 500 feet of
4 power lines here, there is 500 feet of power lines
5 here, but in general there is, you know, five to, I
6 think, seven or eight miles difference between the
7 different tracts, which is why --

8 Q. I understand your distinction based upon
9 the total overall length, but your testimony is that
10 with respect to individual tracts of land, the same
11 concerns would be presented regardless of where the
12 project is located?

13 A. Correct.

14 Q. Now, I would ask you to move down to page
15 3, line 56 where you state, "Pottery shards and a
16 Hopewell Indian burial mound have been found -- have,
17 in fact, been found directly in the path of the
18 proposed alternate route."

19 A. Correct.

20 Q. Can you identify the location where the
21 pottery shards you referenced were found?

22 A. It is in Scott County on a -- we would have

1 to refer back to the -- Kelly Dodsworth's farm, the
2 parcel numbers are in here. There is an -- I believe
3 on the maps that -- they are on the farm that he has.
4 I have pictures of those pottery shards. As far as
5 exactly where they are at, I do not have that data in
6 front of me right now.

7 Q. Have you personally visited the site where
8 the pottery shards are located?

9 A. No, I have not personally visited. My
10 knowledge of that is to the extent with working with
11 Mr. Dodsworth and his farm with our group.

12 Q. Okay. So when you testified that you have
13 personal knowledge of there being pottery shards
14 found along the alternate route, that, in fact, is
15 not true, correct? You don't have personal
16 knowledge. You have heard this from Mr. Dodsworth?

17 A. I have personal knowledge in that as a
18 member of the group Mr. Dodsworth and I have talked
19 about this, and I have seen them, and I have -- as
20 far as the pictures that he has, and that they are
21 there. No. I have not gone to the exact location
22 where they have been found.

1 Q. Okay. And your information all came from
2 Mr. Dodsworth?

3 A. Correct.

4 Q. How did you learn that these were Hope --
5 pottery shards that had some historical value?

6 A. From my conversations with Mr. Dodsworth,
7 and he had had Ken Farnsworth out there to look at
8 them and assess how -- for the --

9 Q. Ken Farnsworth, that's the individual that
10 you referenced in your direct testimony as being a
11 research editor for the Illinois State Archaeological
12 Survey?

13 A. Correct.

14 Q. Have you have any personal face-to-face
15 conversations with Mr. Farnsworth?

16 A. No, I have not.

17 Q. So your testimony regarding Mr. Farnsworth
18 is also based on information provided to you by
19 Mr. Dodsworth?

20 A. Correct, it is, which his testimony is --
21 as you know, is part of our submission to this as far
22 as his personal testimony with regard to the pottery

1 shards and the burial mounds.

2 Q. Is that Mr. Dodsworth's personal testimony
3 or is it yours?

4 A. It is both of ours as members of the group.

5 Q. Okay. You referenced in your direct
6 testimony documentation by Mr. Farnsworth. Have you
7 personally viewed that documentation?

8 A. No, I have not.

9 Q. Okay. And I believe you testified you have
10 not personally spoken with Mr. Farnsworth?

11 A. Correct.

12 Q. So it would be safe to say that you don't
13 know what sort of documentation Mr. Farnsworth made
14 regarding this site?

15 A. No, I would not say that.

16 Q. I am going to ask you to turn to page 4,
17 line 88 of your direct testimony.

18 A. Which page?

19 Q. Page 4. First I am going to ask you just
20 to briefly review lines 69 through 95, and when you
21 are done, tell me if you would agree that in that
22 segment of your direct testimony you detail how

1 placement of the project on the alternate route would
2 impact your farming operations.

3 A. I'm sorry. Which lines?

4 Q. Lines 69 through 95.

5 A. Okay. What was your question?

6 Q. Would you agree that, generally speaking,
7 in that segment of your direct testimony you outline
8 how the placement of the project on the alternate
9 route would impact your farming operations, correct?

10 A. Correct.

11 Q. Do you see in lines 72 through 74 where you
12 state that your family has a fourth generation farm
13 located along the proposed alternate route?

14 A. Yes.

15 Q. Would you agree that there are farms in
16 Morgan and Sangamon Counties located along the
17 primary route that have been owned by the same family
18 for several generations?

19 A. I do not have any specific knowledge about
20 that.

21 Q. Going down through lines 83 and 84, do you
22 see where you stated that your family uses equipment

1 that requires wide berths and high overhead
2 clearances?

3 A. I see that, yes.

4 Q. What sort of equipment are you referring
5 to?

6 A. It would be just general farm equipment;
7 sprayers that may fold up. You know, there is a --
8 they go in the air very high, and you have got issues
9 as far as safety and just making sure that --

10 Q. Well --

11 A. You know, just that the -- I mean, the
12 equipment is big enough that when it folds up, in the
13 process the folding fork can go down the road. When
14 you have power lines, it will be -- to go through
15 fields, and that is a safety issue going forward,
16 perhaps.

17 Q. My question was just, what sort of
18 equipment are you referring to, but you referred to
19 it as general equipment. So would I be safe to
20 assume that the equipment that you use is not unusual
21 as far as what is used by farming operations in
22 central Illinois?

1 A. Correct.

2 Q. Would you agree that the individuals who
3 farm land located on the primary route use similar
4 types of equipment in their farming operations?

5 A. Correct.

6 Q. Moving on to line 84. Do you see where you
7 state that, "The installation of a 345 kV line upon
8 and across these properties will make present, modern
9 farming operations more difficult"?

10 A. Yes.

11 Q. Okay. Would you agree that the modern
12 farming methods that you are referring to are not
13 unusual in central Illinois?

14 A. Correct.

15 Q. And most farmers in central Illinois,
16 including those who have farms located along the
17 primary route utilize the same sort of methods,
18 right?

19 A. Yes.

20 Q. All right. Moving on to line 89 on page 5.

21 A. Okay.

22 Q. Do you see where you state that, "The

1 modern farming equipment we use is heavily reliant on
2 GPS signals for precise guidance over various
3 fields"?

4 A. Yes.

5 Q. And again, would you agree that the use of
6 farming equipment which relies on GPS signals is not
7 unusual in this day and age?

8 A. Correct.

9 Q. And that individuals who farm along the
10 primary route also use equipment with GPS signals?

11 A. Yes.

12 Q. All right. Moving down to line 93. Do you
13 state, "We rely heavily on aerial application of
14 insecticides, fungicides, fertilizers"?

15 A. Yes.

16 Q. Again, the use of aerial application for
17 those products is not unusual, correct?

18 A. Correct.

19 Q. And, in fact, farmers who farm land located
20 along the primary route also use aerial application
21 to get those products on the fields?

22 A. You would assume so, yes.

1 MR. WILSON: That's all I have. Thank you, Mr.
2 Bergeschneider.

3 MR. YODER: Mr. Sturtevant.

4 CROSS-EXAMINATION

5 BY MR. STURTEVANT:

6 Q. Thank you, your Honor.

7 Good afternoon, Mr. Bergeschneider.

8 My name is Albert Sturtevant. I am an attorney for
9 ATXI.

10 I think Mr. Wilson covered much of
11 what I was going to ask you. So I will just have a
12 couple additional things. You were present this
13 morning in the hearing room for the testimonies of
14 Mr. Trelz and Mr. Murbarger, were you not?

15 A. Correct.

16 Q. So having listened to those testimonies,
17 are you aware that ATXI will work with landowners
18 such as yourself to locate poles and approve routes
19 so as to reduce impacts on agriculturally sensitive
20 areas to the extents feasible?

21 A. Yes.

22 Q. And would you say that that would serve to

1 mitigate at least some of the concerns that are set
2 forth in your testimony that Mr. Wilson just
3 discussed with you?

4 A. No, because that was not new information to
5 me that I heard this morning.

6 Q. That was not new information to you?

7 A. No, the -- that information was represented
8 at the -- I attended one of the sessions in
9 Jacksonville.

10 Q. Okay. Are you aware from this morning's
11 conversation that ATXI is required through an
12 agreement with the Illinois Department of Agriculture
13 to restore and pay for damage to drainage tiles?

14 A. Yes.

15 Q. Okay. Are you aware that ATXI is required
16 by that same agreement to prevent soil compaction or
17 restore compacted soil?

18 A. Yes.

19 Q. Okay. And are you aware that ATXI will
20 repair damages or compensate landowners for damages
21 to crop soil, drainage tile, reduced crop yields and
22 other similar impacts?

1 A. Yes. There is a negotiation process, as we
2 discussed this morning. With that, I have some
3 concerns with the long-term compaction and a lot of
4 the long-term issues that I'm not sure how an upfront
5 lump sum payment can pay for something that will go
6 on forever.

7 Q. But you acknowledge that there is a
8 negotiation process?

9 A. Yes.

10 Q. Okay. Is it correct that members of your
11 group attended open houses in Chatham, Illinois on
12 July 23rd, 2012 and October 1st, 2012, meetings in
13 Bluffs, Illinois in the fall of 2012, and
14 Jacksonville, Illinois in August of 2012, and then I
15 guess also in September of 2012.

16 A. Would you please repeat your question?

17 Q. Yeah. I have an actual copy of your data
18 response, if that might make it easier for you.

19 A. I think I may have found it.

20 MR. STURTEVANT: I will just go ahead and mark
21 this.

22

1 (Whereupon, ATXI Cross Exhibit
2 No. 2 was marked for
3 identification.)

4 BY MR. STURTEVANT:

5 Q. And what I am showing you is marked as ATXI
6 MSSCLPG 1.10, right?

7 A. Yes.

8 Q. And that was a data response prepared by
9 your group, correct?

10 A. Correct.

11 Q. And in that data response you list the
12 dates and locations of open houses that the group
13 members attended, correct?

14 A. Correct.

15 MR. STURTEVANT: I have no further questions
16 your Honor.

17 JUDGE ALBERS: Do you seek the admission of the
18 cross exhibit?

19 MR. STURTEVANT: Yes, I do.

20 JUDGE ALBERS: Any objection to the admission
21 of Cross Exhibit 2?

22 MR. McNAMARA: No sir.

1 JUDGE ALBERS: Then ATXI Cross Exhibit 2 is
2 admitted.

3 (Whereupon, ATXI Cross Exhibit
4 No. 2 was admitted into
5 evidence.)

6 REDIRECT EXAMINATION

7 BY MR. McNAMARA:

8 Q. Mr. Bergeschneider, you are opposing the
9 alternate route; is that correct?

10 A. Correct.

11 Q. Let's assume for the purposes of my
12 questions that the primary -- that the alternate
13 route is the route taken. Will the fact that ATXI
14 will negotiate with you and perhaps replace drainage
15 tile, will that put you in the same position that you
16 were in, had the line not gone through your property?

17 A. No, it will not.

18 Q. Can you explain?

19 A. The -- in our specific area, it's a very
20 wet area, and a lot of the drainage is through
21 drainage ditches that are four and five miles down
22 the -- downstream. So as a line comes through in a

1 certain place, the fact that it's going on the
2 property line and there is a chunk of concrete on the
3 property line, it's not just a drainage tile issue.
4 It's a chain effect that goes four or five miles one
5 way and four or five miles back the other way,
6 because of the natural flow of water.

7 And as you can see from the floods
8 that have happened the last couple of weeks, water
9 goes from a high place to a low place, and manmade
10 structures in that way will effect not just one tract
11 of land, but a wide range.

12 Q. The drainage ditches of which you speak,
13 have they been in existence for quite a while?

14 A. I think ever since Illinois was settled and
15 it was settled in that area because it's basically a
16 swamp that was drained so we could farm the land. So
17 they were hand dug 100 years ago, 150 years ago.

18 Q. And would an obstruction to one of these
19 drainage ditches, maybe a mile or so from your
20 property, have an effect upon your property and other
21 landowners?

22 A. Absolutely. If the water backs up, it's

1 just like -- you know, you put a dam in the river.
2 It doesn't just affect the person's property that's
3 on the dam. It affects everybody all the way
4 upstream.

5 Q. With regard to soil compaction, you have
6 some ongoing concerns of soil compaction even if ATXI
7 tries to do some remedial work on your property?

8 A. Yes, I do. In a construction project --
9 and I have been involved in those. I used to be
10 involved with livestock building construction, and
11 anytime, especially on a construction project like
12 this -- this is very big and it is spread over
13 several years. Because there will be 500 or 1,000
14 people scheduled to work every day, no matter what
15 the weather is, they will try to work. And you go
16 into a soil that's very wet and drive concrete trucks
17 and bulldozers and things over the top of it, you
18 won't compact the ground 18 inches deep or maybe even
19 20 inches deep to mechanically get that compaction
20 out. You will compact it all the way down two or
21 three feet, sometimes even more as you may take a --
22 have a concrete truck and put a bulldozer on the

1 front of it and pull it through the mud so you can
2 put the poles up, and I think those are compaction
3 concerns that will be lasting. You know, not just
4 me, but my kids and my grand kids on our family farm,
5 in 100 years, we will still see that there are issues
6 there.

7 And that's why I think those are
8 issues, and also why when we look -- when the routes
9 are looked at, why we advocated going the shorter way
10 with the alternate route following the existing line,
11 just simply because there is less miles of that
12 damage through the state.

13 Q. Mr. Wilson, who was the first attorney to
14 question you this afternoon, are you familiar with
15 the alternate route that he proposed and filed with
16 this Commission on December 31st of 2012?

17 A. Yes, I am.

18 Q. In your opinion, would that proposal cause
19 you or your group any problem?

20 MR. STURTEVANT: I am going to object. I think
21 this is outside the scope of Mr. Wilson's
22 cross-examination. The redirect has gone beyond the

1 scope.

2 MR. McNAMARA: I was just trying to clear it
3 up, Judge. I mean, I tend to agree, but I think it
4 would make the record clearer. It's only one
5 question. I won't ask any more.

6 JUDGE ALBERS: With that defense of your own
7 question, then I will have to sustain the objection.

8 MR. McNAMARA: Okay. Nothing further.

9 JUDGE ALBERS: All right.

10 MR. WILSON: No, sir.

11 MR. STURTEVANT: Nothing further.

12 JUDGE ALBERS: Any objection then to
13 Mr. Bergeschneider's exhibits?

14 MR. STURTEVANT: Your Honor, I think I do have
15 to raise an objection to the extent that his
16 discussion of Mr. Dodsworth's pottery shards appear
17 to have been based entirely on hearsay. He didn't
18 see the pottery shards himself. He talked to Mr.
19 Dodsworth. He hasn't met with the archeology expert.
20 He has just heard about them. I believe this stuff
21 is in Mr. Dodsworth's testimony, but I'm not sure
22 it's appropriate for Mr. Bergeschneider's.

1 MR. McNAMARA: Judge, do --

2 JUDGE ALBERS: Yeah. I just want to make sure
3 we can find you here. Go ahead. It's on page 3.

4 MR. McNAMARA: By the way, this is the type of
5 testimony that's ordinarily relied upon, the type of
6 evidence ordinarily relied upon by people in
7 conducting their normal business activities.
8 Although it might be hearsay, it's the type of
9 evidence that the Commission accepts and gives it the
10 appropriate weight. I don't believe it's the type of
11 evidence that should flat out be excluded.

12 JUDGE ALBERS: I think we will overrule the
13 objection and give it the weight that it's due.

14 MR. McNAMARA: Thank you.

15 JUDGE ALBERS: Any other objections?

16 MR. STURTEVANT: No, sir.

17 JUDGE ALBERS: Hearing none, then MSSCLPG
18 Exhibits 1.0 and 4.0 are admitted.

19 Thank Mr. Bergeschneider.

20 (Whereupon, MSSCLPG Exhibit Nos.
21 1.0 and 4.0 were admitted into
22 evidence.)

1 MR. GOWER: Your Honors, would this be a
2 convenient time to move in the exhibits that we
3 discussed, or should I come back tomorrow morning?

4 JUDGE ALBERS: It might be. One moment. Mr.
5 McNamara, did you want to address Mr. Kelly
6 Dodsworth's exhibits?

7 MR. McNAMARA: It's my understanding that they
8 have waived Kelly Dodsworth.

9 JUDGE ALBERS: Just as far as admission,
10 though, if you wanted to --

11 MR. McNAMARA: Great. If no one is going to
12 cross examine him, I will put him up and have him
13 testify.

14 JUDGE ALBERS: That's fine. As long as he is
15 here.

16 MR. McNAMARA: Let me ask you. Mr. Dodsworth,
17 did you sign an affidavit?

18 MR. DODSWORTH: Yes.

19 MR. McNAMARA: We will put it in by affidavit.

20 JUDGE YODER: Mr. McNamara, do you know how you
21 will be captioning that affidavit? 3.1 maybe?

22 MR. McNAMARA: I had a list of exhibits I think

1 I handed out. Let me see if I can find that list for
2 you and it will show.

3 JUDGE YODER: Why don't we just have him --

4 MR. McNAMARA: Let's have him testify. I call
5 Mr. Kelly Dodsworth.

6 JUDGE YODER: Mr. Dodsworth, were you
7 previously sworn?

8 MR. DODSWORTH: Pardon?

9 MR. YODER: Were you sworn?

10 MR. DODSWORTH: No, I haven't.

11 (Whereupon, the witness was duly
12 sworn.)

13 KELLY DODSWORTH,
14 having been first duly sworn, was examined and
15 testified as follows:

16 DIRECT EXAMINATION

17 BY MR. McNAMARA:

18 Q. If you give me just a second, I will find
19 his testimony.

20 Mr. Dodsworth, do you have your
21 testimony with you there?

22 A. I do, but I haven't located it.

1 Q. Okay. I will find it. Mr. Dodsworth, I am
2 going to hand you what was previously marked
3 Interveners MSSCLPG Exhibit No. 3.

4 A. Thank you.

5 Q. Mr. Dodsworth, if I were to ask you the
6 same questions as are set forth in that exhibit,
7 would your answers be the same?

8 A. Yes.

9 Q. Are the answers which you gave in Exhibit 3
10 true and correct to the best of your information,
11 knowledge and belief?

12 A. Yes.

13 MR. McNAMARA: I would move at this time for
14 the admission of Morgan Sangamon Scott Counties Land
15 Preservation Group Exhibit No. 3.

16 JUDGE YODER: Any objection?

17 (No response.)

18 MR. YODER: Hearing none, that testimony will
19 be admitted into evidence in this docket. Thank you,
20 Mr. Dodsworth. You may step down.

21

22

1 (Whereupon, MSSCLPG Exhibit No.
2 3 was admitted into evidence.)

3 MR. YODER: Mr. Gower, I believe you have some
4 testimony you wish to put in by affidavit?

5 MR. GOWER: Thank you, your Honor.

6 Your Honor, first, I would like to
7 move for the admission of the Direct Testimony of
8 Mike Popham. It was the Coles County Landowners
9 Exhibit 1.0, and it was supported by an affidavit
10 filed by Mr. Popham as CCL Exhibit 4.0.

11 Do you want me to go down the list of
12 testimony for this client or do you want to do it
13 individually?

14 JUDGE YODER: I will do it individually.

15 Any objection to the admission of
16 Mr. Popham's direct testimony?

17 (No response.)

18 MR. YODER: Hearing none, it will be admitted
19 into evidence.

20 (Whereupon, CCL Exhibit Nos. 1.0
21 and 1.4 were admitted into
22 evidence.)

1 MR. GOWER: Your Honor, I would also move for
2 the admission of Coles County Landowners Exhibit 2.0,
3 which is the Direct Testimony of Ron Popham, as well
4 as the Exhibit CCL 2.1, which was attached to
5 Mr. Popham's testimony. It's supported by an
6 affidavit that was marked as CCL Exhibit 5.0.

7 MR. YODER: Any objection to the admission of
8 the testimony of Mr. Ron Popham?

9 (No response.)

10 MR. YODER: Hearing none, that will be admitted
11 into evidence.

12 (Whereupon, CCL Exhibit Nos. 2.0
13 with Attachment 2.1 and Exhibit
14 5.0 were admitted into
15 evidence.)

16 MR. GOWER: Your Honors, I would also move for
17 the admission of Coles County Landowner Exhibit 3.0.
18 It's the Direct Testimony of Scott Weber. It was
19 filed on -- via e-Docket on March 28th, 2013. Mr.
20 Weber had two exhibits attached to his testimony that
21 we would also like to move into evidence, 3.1 and
22 3.2, and it's supported by his affidavit, which was

1 marked as CCL Exhibit 6.0.

2 MR. YODER: All right. Any objection to the
3 admission of Mr. Weber's direct testimony?

4 (No response.)

5 MR. YODER: Hearing none, that will be admitted
6 into evidence in this docket.

7 (Whereupon, CCL Exhibit Nos. 3.0
8 with Attachments 3.1 and 3.2 and
9 Exhibit 6.0 were admitted into
10 evidence.)

11 MR. GOWER: Your Honors, on behalf of JDL
12 Broadcasting, Inc., I would move for the admission of
13 the direct testimony of Lori Spangler, also filed via
14 e-Docket on March 28th, 2013, along with her
15 exhibits. The exhibits that were attached to her
16 testimony which are JDL Exhibits 1.1, 1.2, 1.3, 1.4,
17 1.5 and 1.6 and that's supported by Ms. Spangler's
18 affidavit, JDL 4.0, filed on e-Docket March 8th --
19 excuse me -- May 8th, 2013.

20 MR. YODER: Any objection to the admission of
21 the direct testimony of Ms. Spangler with
22 accompanying exhibits?

1 (No response.)

2 MR. YODER: Hearing no objection, her testimony
3 will be admitted into evidence at this time.

4 (Whereupon, JDL Exhibit Nos. 1.0
5 with Attachments 1.1 through 1.6
6 and Exhibit 4.0 were admitted
7 into evidence.)

8 MR. GOWER: Your Honors, I would also move for
9 admission into evidence the Direct Testimony of
10 Charles Ellis filed on March 28th, 2013, via
11 e-Docket, as well as Exhibits 2.1 and 2.2 to
12 Mr. Ellis' testimony, which were filed on that date.
13 That is supported by an affidavit of Mr. Ellis that
14 was filed on e-Docket on May 8th, 2013.

15 MR. YODER: All right. Any objection to the
16 admission of the Direct Testimony of Mr. Ellis with
17 the accompany exhibits?

18 (No response.)

19 MR. YODER: Hearing no objection, that will be
20 admitted into evidence in this docket.

21

22

1 (Whereupon, JDL Exhibit Nos. 2.0
2 with Attachments 2.1-2.2 and
3 Exhibit 3.0 were admitted into
4 evidence.)

5 MR. GOWER: Your Honors, I would also move on
6 behalf of the Reed Interests for entry into evidence
7 of the Direct Testimony of John Richard Reed. It's
8 Reed Exhibit 1.0, filed via e-Docket on March 28th,
9 2013, and the accompanying Reed Exhibit 1.1, that was
10 filed with Mr. Reed's direct testimony supported by
11 Mr. Reed's affidavit, which is marked Reed 2 --
12 Exhibit 2.0 filed via e-Docket on May 10, 2013.

13 MR. YODER: Very well. Any objection to the
14 admission of Mr. Reed's direct testimony with
15 accompanying exhibits?

16 (No response.)

17 MR. YODER: Hearing no objection, that will be
18 admitted into evidence in this docket.

19 (Whereupon, Reed Exhibit No. 1.0
20 and Attachment 1.1 and Exhibit
21 2.0 were admitted into
22 evidence.)

1 MR. GOWER: Your Honors, I would also move on
2 behalf of the Coles and Moultrie County Land
3 Interests for admission into evidence of the Direct
4 Testimony of Bruce Daily. It was marked as CMCLI
5 Exhibit 1.0, and it was filed via e-Docket on March
6 29th, 2013. It's supported by Mr. Daily's affidavit
7 that was filed via e-Docket on May 10th, 2013, and it
8 is marked as CMCLI 2.0.

9 MR. YODER: All right. Any objection to the
10 admission of the Direct Testimony of Mr. Daily?

11 (No response.)

12 MR. YODER: Hearing none, that will be admitted
13 into evidence in this docket.

14 (Whereupon, CMCLI Exhibit Nos.
15 1.0 and 2.0 were admitted into
16 evidence.)

17 MR. GOWER: Your Honors, on behalf of the
18 Tarble Limestone Enterprises, I would move for the
19 admission into evidence of the direct testimony of
20 Jerald M. Tarble. That was marked as TBL Exhibit 1.0
21 and it was filed via e-Docket on March 29th as
22 well -- March 29th, 2013, as well as two exhibits

1 that were attached to Mr. Tarbles' testimony, and
2 they were marked as TBL 1.1 and TBL 1.2, both filed
3 March 29th, 2013, and those were supported by the
4 affidavit of Jerald M. Tarble marked as TBL
5 Exhibit 2.0 filed May 8th, 2013.

6 MR. YODER: All right. Any objection to the
7 admission of the testimony of Mr. Tarble with the
8 accompanying exhibits?

9 (No response.)

10 MR. YODER: Given no objection, that will be
11 admitted into evidence.

12 (Whereupon, TBL Exhibits 1.0
13 with Attachments 1.1 and 1.2 and
14 Exhibit 2.0 were admitted into
15 evidence.)

16 MR. GOWER: In this docket -- might I borrow
17 back from you my list of STPL exhibits?

18 Your Honors, on behalf of Stop the
19 Power Lines Coalition, I would move for admission
20 into evidence the direct testimony of Laura Te
21 Grotenhuis, filed via STPL Exhibit 2.0, filed via
22 e-Docket on March 28th, 2013, as well as Exhibits 2.1

1 and 2.2 to Ms. Grotenhuis' testimony. Also filed as
2 of that date -- you know what? I take that back. I
3 don't have an affidavit filed for her yet. So we
4 will skip Ms. Grotenhuis.

5 I would move for the --

6 JUDGE YODER: So you will do Grotenhuis
7 tomorrow or the next day?

8 MR. GOWER: I will do it when I get her
9 affidavit.

10 MR. YODER: That's fine.

11 MR. GOWER: I'd move for the admission of the
12 Direct Testimony of Peggy Dix Mills marked as STPL
13 Exhibit 3.0. It was filed via e-Docket on
14 March 29th, 2013, as well as the accompanying exhibit
15 STPL 3.1. That's supported by Ms. Mills' affidavit
16 filed as STPL Exhibit 9.0 on May 13th, 2013.

17 JUDGE YODER: Any objection to the admission of
18 the direct testimony of Ms. Mills with accompanying
19 exhibits?

20 (No response.)

21 MR. YODER: If there is no objection, that will
22 be admitted into evidence in this docket.

1 (Whereupon, STPL Exhibit Nos.
2 3.0 with Attachment 3.1 and
3 Exhibit 9.0 were admitted into
4 evidence.)

5 MR. GOWER: Your Honors, I move for the
6 admission of the Direct Testimony of David W. Bush on
7 behalf of Stop the Power Lines Coalition. That's
8 STPL Exhibit 4.0 filed via e-Docket on March 29th,
9 2013, along with two exhibits marked as STPL Exhibits
10 4.1 and 4.2 filed as of that same date. That's
11 supported by the affidavit of David W. Bush marked as
12 STPL Exhibit 4 -- excuse me. It's marked as STPL
13 Exhibit 7.0 filed May 8th, 2013.

14 JUDGE YODER: Any objection to the admission of
15 the direct testimony of David Bush with accompanying
16 exhibits?

17 (No response.)

18 JUDGE YODER: Hearing no objection, those will
19 be admitted into evidence in this docket.

20 (Whereupon, STPL Exhibit Nos.
21 4.0 with Attachments 4.1 and 4.2
22 and Exhibit 7.0 were admitted

1 into evidence.)

2 MR. GOWER: Your Honors, I would also move for
3 the admission of the Direct Testimony of Margaret Sue
4 Amacher Snedeker. It was marked as STPL Exhibit 5.0,
5 and it was filed via e-Docket on March 28th, 2013. I
6 also would move for the admission of STPL
7 Exhibits 5.1, 5.2, 5.3, 5.4, 5.5 and 5.6, all of
8 which were attached to Ms. Snedeker's testimony.
9 They are supported by STPL Exhibit 6.0, which is the
10 affidavit of Margaret Sue Amacher Snedeker, filed via
11 e-Docket on May 8th, 2013.

12 JUDGE YODER: All right. Any objection to the
13 admission of the Direct Testimony of Ms. Snedeker
14 with accompanying exhibits?

15 (No response.)

16 MR. YODER: Hearing no objection, those will be
17 admitted into evidence in this docket.

18 (Whereupon, STPL Exhibit Nos.
19 5.0 with Attachments 5.1 to 5.6
20 and Exhibit 6.0 were admitted
21 into evidence.)

22 MR. GOWER: Do you need the list back?

1 JUDGE YODER: Anyone else need to take care of
2 any matters such as that? Hearing nothing, any other
3 matters to be addressed?

4 MR. STURTEVANT: One item, your Honor. It
5 appears that there is no longer any cross for
6 Mr. Skolnik on behalf of Gan Properties, which I
7 think was scheduled for Friday. I don't know whether
8 your Honors would have any questions for Mr. Skolnik.
9 So I thought I would inquire.

10 JUDGE YODER: I don't, no.

11 JUDGE ALBERS: No.

12 JUDGE YODER: So no.

13 MR. STURTEVANT: Thank you.

14 MR. McNAMARA: Is there any change for
15 tomorrow's witness list? I have a list that was
16 given out yesterday. I wonder if there is anyone
17 knocked off there?

18 MR. STURTEVANT: We have, your Honor, the two
19 MCPO witnesses. Mr. Dauphinais and Mr. Reinecke, I
20 believe, are going to go forward. If you give me a
21 minute, I may have an update on the status of Mr.
22 Kramer.

1 JUDGE YODER: I guess as it sits right this
2 second, we have three witnesses tomorrow.

3 MR. STURTEVANT: Correct.

4 MR. YODER: Dauphinais for MCPO and Reinbach?

5 MR. STURTEVANT: Reinecke, I think.

6 MR. YODER: Reinecke for MCPO, and Mr. Kramer
7 for ATXI right now.

8 MR. STURTEVANT: Correct.

9 MR. McNAMARA: So we have three witnesses
10 tomorrow. Are we going to start at 9:00 or start
11 later?

12 JUDGE YODER: Start at 9:00. We will continue
13 this to 9:00 tomorrow unless there is anything else
14 to take care of. I hear nothing. All right. We
15 will see you tomorrow at 9:00.

16 (Whereupon, the proceedings were
17 continued to May 15th, 2013 at
18 9:00 a.m.)

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